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ABSTRACT

This guide provides a systems approach to increasing the numbers of women in apprenticeships and skilled blue collar jobs. Its components form the Apprenticeship and Blue Collar (ABC) System. This system was developed from the experiences of hundreds of employment and training professionals and from several targeted outreach programs currently assisting women to enter the trades. The chapters, each covering a single component, follow a typical woman's progress through the system, from the first step of outreach and recruitment, through orientation, individual counseling and tutorials, training, referral, job development, and follow-up. Throughout the chapters, advice is given to help employment counselors, women's advocates, and trades recruiters to recruit blue-collar women and conduct workshops and training sessions, with emphasis on overcoming sex stereotypic barriers to nontraditional occupations. A glossary and a list of resources are included in the publication. Appendixes contain flow charts on the apprenticeship process, federal rules and regulations for equal opportunity in apprenticeship and training, goals and timetables for female and minority participation in the construction industry, guidelines on sex discrimination harassment, solicitor's opinion on dual eligibility lists, and employability development plans. (KC)

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The Apprenticeship and Blue Collar System

Putting Women on the Right Track

By Kathleen M. Weston
Illustrated by M. Cimperman

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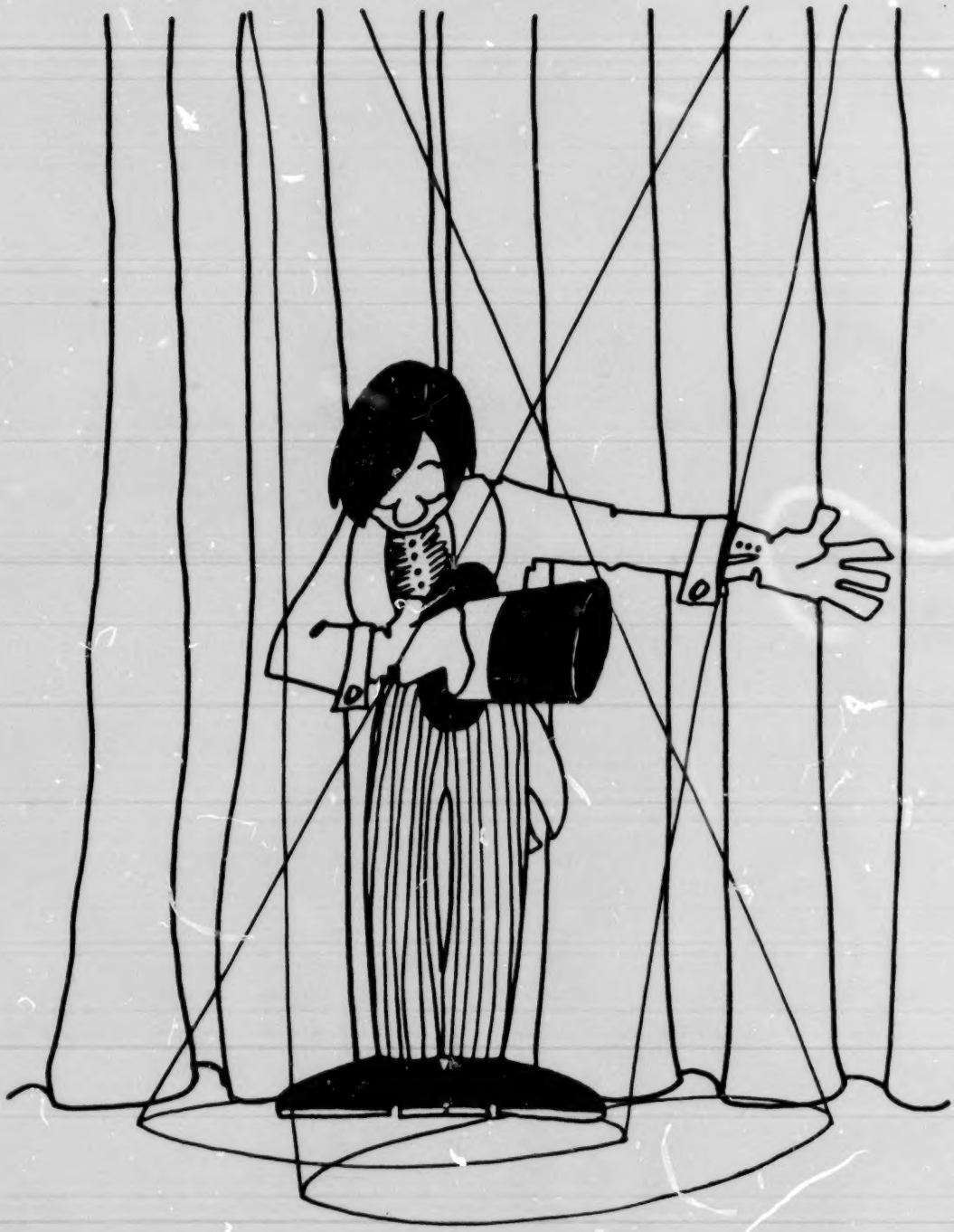

CHAPTER 1: INTRODUCTION

THE HAND THAT HOLDS THE WRENCH: WOMEN'S PARTICIPATION IN THE SKILLED BLUE-COLLAR WORK FORCE

Since the 1960's the number of women working in apprenticeships and skilled blue-collar jobs has been increasing, slowly but steadily, year by year. This trend is part of an overall movement of women into jobs previously reserved for men, as women attempt to break down the sex-segregation that has traditionally prevailed in most occupations. Although the woman in a hard hat is not yet common, she is no longer a completely unfamiliar sight.

What Makes a Job "Nontraditional"?

When the U.S. Department of Labor designates an occupation as "nontraditional" for women or men, it refers to an occupation in which less than twenty-five percent of the workers are members of the sex in question. The job of typist, with under four percent men in 1977, was considered nontraditional for men; the job of automobile mechanic, with only one percent women in the same year, was nontraditional for women. Since women have historically been much more restricted than men in terms of the types of jobs they could hold, the greatest number of nontraditional jobs in America today are nontraditional for women. A primary goal of affirmative action and equal opportunity programs which seek to end sex discrimination in employment is to open a wider array of occupations to women, including skilled trades.

The fact that occupational sex-segregation is "traditional" means it is not based on any natural division of labor. There is nothing in the nature of plumbing which makes it more appropriate work for men; likewise, women are not naturally better suited to be dieticians. In other words, there is no clear rational or biological basis for a strict division of labor according to sex. What is considered

proper work for women or men varies from society to society, and even from period to period within the same society. In America, the first telephone operators and typists were almost exclusively men. In other cultures, much of the work requiring physical strength, which Americans have traditionally assigned to men, was performed instead by women. Among the Tchambuli of New Guinea, fisherwomen supplied their families' food needs; among nomadic peoples, women hauled household goods over long distances, while peasant and pioneer women in many societies have done heavy work in the fields. Archaeological evidence indicates that the first toolmakers and construction workers may have been women: the famous pueblos of the Southwest were built by Native American women. Today women working at harvesting, in factories and as household help are often required to do heavy, dirty and even dangerous tasks which for the most part go unrecognized. On the other hand, printing is an example of a trade which has been traditionally closed to women in America in spite of the fact that it requires little physical strength.

Why Are Women Becoming Interested in Apprenticeship and Skilled Blue-Collar Work?

A woman who decides to pursue a nontraditional blue-collar occupation in the United States today can expect to encounter many barriers before being placed in the trade of her choice. She is more likely now than ten years ago to find institutional support along the way, but books like this one would not be necessary if entry into the trades were as well-marked and socially acceptable a route for women as the path leading from the high school typing class to the office typing pool. In general, she must be highly motivated to successfully qualify for, locate and hold onto a skilled blue-collar job. After placement she may be the first and/or only woman on her job site, requiring a period of learning and adjustment for both the woman and her male co-workers. Given the continued existence of these and other barriers, what explains the increasing numbers of women showing up at skills centers, construction sites, shop classes and apprenticeship offices?

One major reason behind the movement of women into the trades is economic. Skilled blue-collar jobs offer better pay, benefits and chances for promotion than clerical and service jobs intc which women are commonly channeled. A woman journeyworker may well start at over 200 percent of the wage she could expect to receive in a traditional "woman's job." Many blue-collar workers have the opportunity to periodically upgrade their skills on the job, continuing to earn while they learn. Job security and geographical mobility are better in unionized occupations. Skills, once acquired, are usually transferable to new work places within a particular industry, making it easier to locate employment.

Women also find that the trades provide them with meaningful work, often for the first time in their lives. Most take pride in what they create and experience a sense of accomplishment as they master new skills. Some enjoy a job which utilizes both body and mind, demanding physical as well as mental dexterity. Other women like working with materials and being able to see what they produce -- tangible objects with a definite use and purpose. Finally, many women value the personal satisfaction, independence and positive self-image they develop in the process of learning a trade.

Benefits for Society

Increasing the number of women in apprenticeship programs and blue-collar jobs offers advantages not only for the individual women seeking work, but for people in their families, work places and communities as well. When employers and union locals give women a chance, they usually discover what employment and training professionals have long known: it takes a determined woman to overcome the many institutional and social barriers still standing between her and a nontraditional job. In general, the women placed in apprenticeships and blue-collar jobs make committed, productive workers who take themselves and their jobs seriously.

Friends and family are often surprised by the positive changes in a woman who works her way through the apprenticeship and blue-collar system (ABC System). The confidence and self-respect she gains as she develops her abilities tend to

carry over into other areas of her life. Several studies have disproved the myth that children of working mothers have higher rates of juvenile delinquency; on the contrary, working mothers provide good role models and their children are likely to be more independent and motivated than average. In addition, economic self-sufficiency means a tradeswoman will be able to support herself and a family if necessary. As one woman blue-collar worker, referring to her days as an office clerk, pointed out, "A person who is unhappy with her life, hates her job and constantly has to worry about money doesn't make very good company!" Relatives and friends, in return, can be an important source of support that makes the difference as to whether a woman persists in her efforts to enter a nontraditional occupation.

In the classroom and the work place, the presence of women is generally more effective than words for countering sex bias and misconceptions about women's abilities. Research has shown that very few men opposed to the idea of women entering the trades have had the actual experience of working alongside a woman. Once presented with the evidence of a woman who does her job or training assignment capably and well, many of these men change their attitudes.

In society at large, the practice of routinely routing millions of women into a narrow array of occupations represents an inefficient allocation of human resources. The equalized distribution of the sexes among job categories now called for by the U.S. Department of Labor would minimize this problem and, by eliminating the exaggerated prestige associated with traditional "men's jobs," would promote the recognition of all work as useful and of value to society.

Occupational Sex-Stereotyping in America: The Changing Tradition

People tend to regard the traditional division of occupations between the sexes as the only possible (or at least the only proper) division. But as we have seen, what is considered traditional employment for women and men varies in different times and places, and these variations are in turn linked to social, historical and economic trends. During World Wars I and II, for example, thousands of American

women trained by industry in everything from pipefitting to welding had a chance to demonstrate their abilities in the trades. In this case, the loss of manpower to the war (i.e., economic necessity) rather than any change in the conception of women's role in society was responsible for the altered employment situation.

During the 1950's, with men out of the military looking for jobs, women were pushed back into the home through a combination of media campaigns and pressure from both organized labor and management. The Victorian ideal of woman as mother and manager of a household was set up as a model for young women; marriage and raising a family replaced career goals at the center of most women's lives. Of course, postwar prosperity did not affect all equally: many women could not afford to leave the work place, whether or not they would have preferred to be housewives. A fraction of these women remained in the blue-collar jobs they had qualified for during the war, but most were pressured to join the millions of women already filling clerical, service and other unskilled positions.

The move to exclude women from the skilled blue-collar work force after World War II had certain advantages for industry at the time. Production costs could be lowered and flexibility in the face of changing market conditions ensured by employing women in myriad supportive positions with low pay and little job security. Women who returned to the home had not withdrawn from the economy; instead, their role had been shifted from producers to consumers who provided a reliable market for the goods and services that allowed businesses to expand. In the long run, however, driving women out of the skilled blue-collar work force was a step backwards: a waste of training and talent for the nation, a return to boredom for many of the women who became housewives and an economic catastrophe for women who had to struggle as heads of household to maintain families.

After the 1960's small numbers of women began to move back into skilled blue-collar work, this time not at the request of government and industry, but through the efforts of women's groups responding to changes in society. Although the ideal of "woman as homemaker" carried over from the 1950's and still lingers in some places, it had begun to correspond less and less to the realities of

women's lives. Today, few women in America are able to rely completely on the income of a man for their support. Most women work because they need to work: one-third of working women (the figure is higher for minority women) are heads of household who face the same responsibilities and expenses as any man, while most of the remainder make significant contributions to their families' incomes. Inflation, the rising divorce rate, the virtual disappearance of alimony payments and increases in the number of women who choose to remain single or marry later are all trends which push women back into the labor force and make it important that they be able to find work which is financially, as well as personally, rewarding. The Equal Pay Act of 1964, which was an important victory for women, dissociated the value of the work they do from their fluctuating status in society. But in spite of recent gains, women still have a long way to go to achieve parity with men in the labor force.

In 1979 women still composed less than two percent of all craft workers. The gap in earnings between women and men has actually widened during the past two decades. The average woman worker earned 59 cents for every dollar earned by a man in 1977; she earned 64 cents for every dollar earned by a man twenty years ago. If she is a member of a minority group, she earns even less. These inequities in pay between the sexes are directly linked to occupational sex-segregation, since the traditional clerical, service and household jobs into which the majority of women continue to be routed are characterized by low wages, few benefits and little opportunity for advancement. Only by facilitating the entry of more women into higher-paying, skilled job classifications previously reserved for men and encouraging a reciprocal flow of interested men into traditional "women's jobs," like nursing, can we expect to see real progress in the struggle to provide all people with meaningful employment that meets their economic needs.

Changes like the movement of women into skilled blue-collar jobs occur through a complex interaction of individuals, institutions and socioeconomic factors. Whether a change is fast or slow, smooth or painful, efficient or disruptive, can be greatly affected by individuals (both inside and outside institutions) who decide either to oppose or to facilitate that change. In wartime when labor was scarce,

government and industry took the lead with union cooperation to recruit, train and place large numbers of women in skilled positions. Child care centers were established on many job sites to attract more women workers. During the 1950's, however, these same institutions were instrumental in keeping women out of the trades. In contrast, the recent influx of women into blue-collar occupations has come about through the initiative of women themselves who have organized to promote social and institutional change and to provide supportive services to women wishing to enter the trades.

It is in everyone's interest to look beyond the dictates of tradition when old ways do not prove adaptable to new conditions. This book has been written in the belief that there are many people who agree on the desirability of women in the skilled blue-collar work force but simply need a clearer idea of what they can do to help. Although much of the material that follows is directed to employment and training professionals, it is also intended to give individual women the information necessary to turn an interest in nontraditional work into a reality. The effort to end occupational sex-stereotyping is far from over; society continues to change, and it is up to us to carry forward the momentum generated by over a decade of work to open apprenticeship programs and blue-collar occupations to women.

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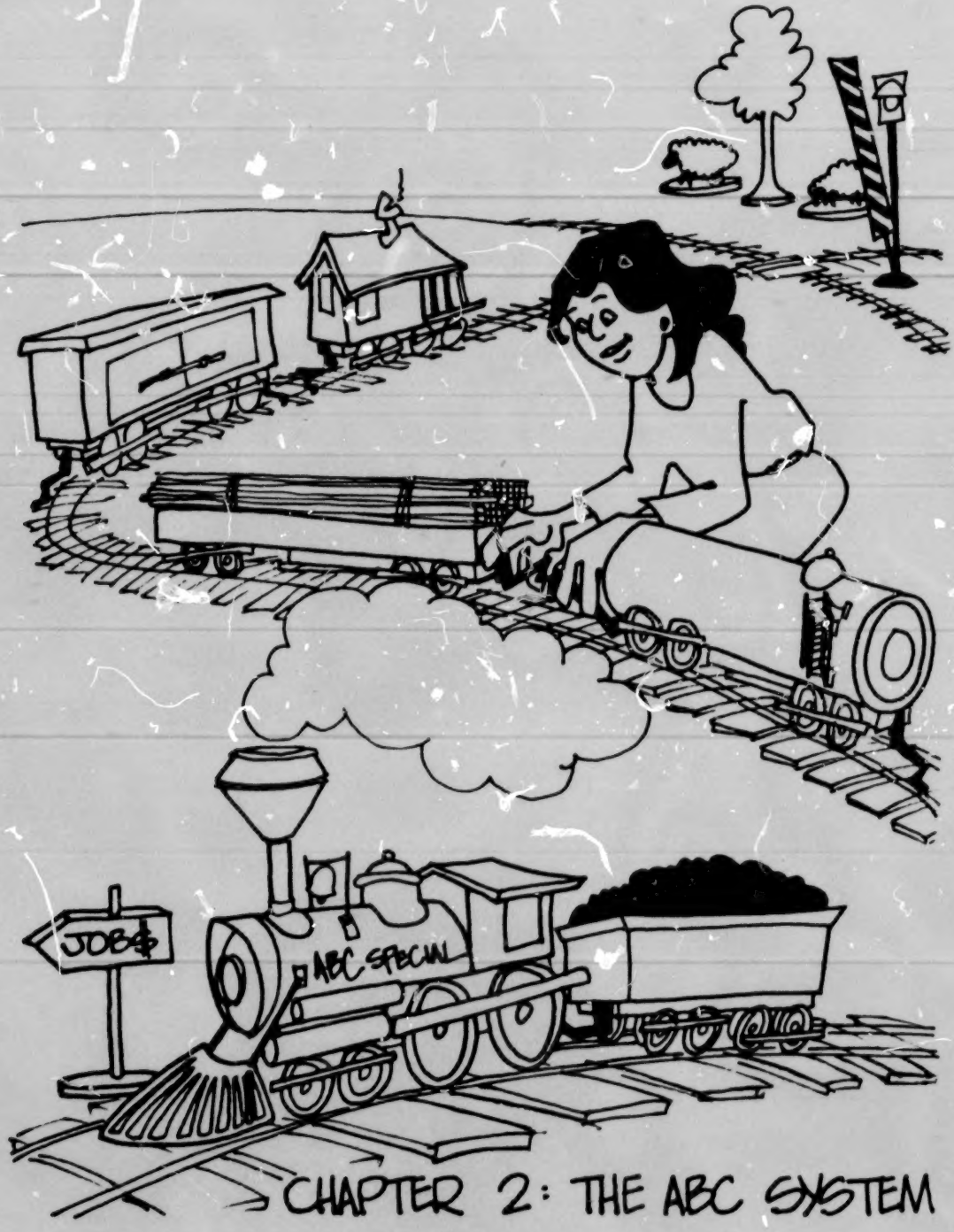
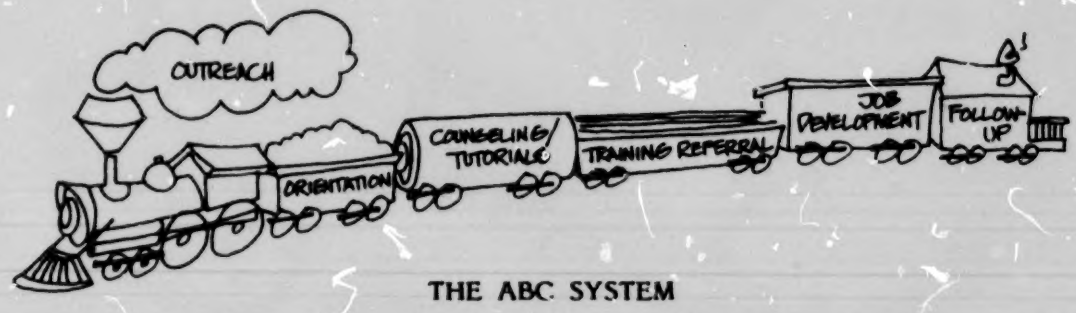


CHAPTER 2: THE ABC SYSTEM



THE ABC SYSTEM

Why Haven't More Women Entered into Blue-Collar Work?

Like all far-reaching social changes, the movement of women into areas from which they have traditionally been excluded takes time. Stereotypes supporting rigid sex roles disappear only in the face of evidence and education to the contrary. Although changes in self-image in the wake of the women's movement have made it easier for women to imagine themselves in nontraditional occupations, sex bias and institutional barriers must be eliminated to facilitate their entry into the trades.

In recent years numerous programs have been set up around the country to help women gain access to blue-collar jobs. Many more individuals in government, industry and the unions personally support the efforts of such programs. But two factors have operated to keep these scattered individuals and organizations from achieving a greater impact: lack of coordination and lack of knowledge.

Lack of Coordination

While many of the programs assisting women to enter blue-collar occupations are of high quality and successful in terms of numbers of clients placed, they typically operate on a small scale with inadequate funding and small staffs. As a result they can only serve a limited number of women, and may also have to observe stipulated eligibility requirements. Most programs have been concentrated on the two coasts and in large metropolitan areas. Information-sharing among established programs has been informal and sporadic; staff and project turnover is high. What exists is a number of scattered, uncoordinated efforts whose effect is largely confined to the communities in which they operate. Instead of being

able to profit from the experience of groups already working in the field, new programs are often forced to develop their own materials, approach and plan of organization.

Lack of Knowledge

There is a clear need for an increase in the number of programs operating with the specific goal of placing women in apprenticeships and blue-collar jobs. In the meantime, however, literally thousands of organizations and institutions in the community have the potential to help open up nontraditional job opportunities for women. Most of these organizations already offer services or perform functions which can easily be adapted or expanded with this goal in view, often with a minimum of effort by one or two staff members. In such cases what is generally missing is knowledge about the various ways to enter blue-collar occupations, awareness of the special needs of women seeking nontraditional work and a clear idea of what action education, employment and training professionals or concerned individuals can take to facilitate the process. Women interested in the trades usually suffer from a similar lack of information, not knowing how to actually go about getting a job or who could help them find out.

A Systems Approach to Apprenticeship and Blue-Collar Employment

Currently, the literature on women in blue-collar work is largely limited to descriptions of particular programs, sketches of women's experiences on the job, historical accounts, resource lists, oversimplified "how-to" books for individual job seekers and fragmentary collections of materials aimed at employment and training professionals. Few of these give the reader a clear idea of how the information presented can be used in a way that contributes strategically to the wider effort of moving women into nontraditional work. Administering a skills translation test to a class of high school students, though a step in the right direction, will only prove frustrating for an interested woman if the counselor cannot explain what training each job requires and where she can get it. A poster in a government agency showing women working on a building will not

be very effective if no one can answer a client's questions about how to get into the construction trade. What is needed is a systematic approach which gives an overview of alternative ways to enter the trades, shows what action a woman has to take before she actually finds herself in a blue-collar job or apprenticeship program and explains how different institutions and organizations can cooperate to help her reach that goal.

What Is a Systems Approach?

Put simply, a systems approach takes a process, like the movement of women into nontraditional blue-collar jobs and apprenticeships, and outlines what steps have to occur to get from Point A to Point B -- in our case, from before the time a woman develops an interest in nontraditional work through her placement in a job or apprenticeship program. Although it may seem that women break into the trades in a haphazard way, through luck or being in the "right place at the right time," most women pass through a recognizable series of steps beforehand, whether they locate employment on their own initiative or with the assistance of various agencies. These steps, or components, together form what this book calls the Apprenticeship and Blue Collar (ABC) System. Although the order and organization of the components will vary according to the program or agencies involved, individual experience and local conditions, all of the components are essential if the system is to function.

The ABC System presented in this book was developed from the experiences of hundreds of employment and training professionals and several targeted outreach programs currently assisting women to enter the trades. The chapters, each covering a single component, follow a typical woman's progress through the system, from the first step of Outreach and Recruitment, through Orientation, Individual Counseling and Tutorials, Training Referral, Job Development and Follow-Up. A Glossary, Appendix and Resources List are included at the end.

No single agency or program needs to offer all the service components included in the ABC System. In fact, the opposite is true. Properly coordinated, small contributions from a number of sources -- government agencies, educational

institutions, unions, private industry, community-based organizations -- can play a significant part in assisting more women to enter the trades.

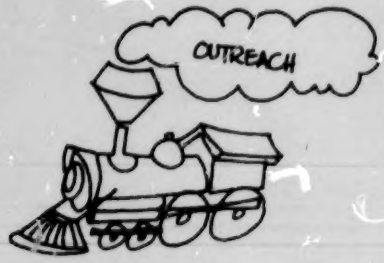
How to Use This Book

If you work in the education or employment and training field, try to identify which component(s) of the ABC System are relevant to your agency or organization. As you read, ask yourself how existing services can be expanded or improved to be more responsive to women clients. What contacts will you need to make to link up with people working in other components of the system? Are any components missing in your area? If so, how can these components be developed and what group or coalition could take responsibility for such a project? In most communities it should be possible to set up a fully functioning ABC System simply by networking established programs or organizations and upgrading present operations to better meet the needs of women who might find themselves interested in blue-collar work.

If you are an individual woman interested in nontraditional work, try to determine which components (if any) you have already passed through and what further assistance or information you need. Then look around your community for service providers who can help you go ahead to the next step, or develop your own strategy for moving onward in the system.

Keep in mind that the ABC System described in the following pages presents a somewhat abstract and idealized picture of what happens when a woman begins to explore the world of nontraditional blue-collar employment. The schools, employers, apprenticeship committees and service providers you contact will all start from varying levels of interest in and knowledgeability about the ABC System. Staff members who personally support the goal of opening the trades to women may find themselves hampered by eligibility, funding or procedural restrictions. Don't become discouraged if organizations are not always responsive to your ideas and inquiries: if one approach isn't effective, another might be. Breaking down barriers is never easy, but it can be done . . . through persistence and learning to work together for change.

CHAPTER 3: OUTREACH AND RECRUITMENT



OUTREACH AND RECRUITMENT

What Is Outreach?

The term Outreach refers to any attempt to alert women to opportunities in apprenticeship and blue-collar work. The purpose of reaching out is to stimulate a general awareness of and interest in the trades that society does not yet encourage in the case of women. Bumper stickers, leaflets and community forums can all be used as forms of Outreach, provided their design reflects this purpose. Although Outreach efforts are primarily aimed at women who could benefit from participation in the ABC System, they can also be effective for changing the attitudes of anyone who still distinguishes between "jobs for men" and "jobs for women."

Since the immediate objective of Outreach is to make new contacts rather than convey detailed information, its message should focus on several basic points:

1. A variety of apprenticeship programs and blue-collar occupations exist.

2. One of these programs or occupations might be right for you or the women served by your agency or organization.

In addition, you might want to include:

1. Definitions or examples of apprenticeship and blue-collar work. Pictures, short descriptions and occupational titles are often helpful to women who may

never have heard of apprenticeship or can't visualize themselves in a blue-collar job.

2. A contact number for more information. Including a contact number ensures that interested women can move on to the next component of the ABC System and facilitates network-building with other organizations.

3. A brief description of training or services your agency or organization offers.

What Is the Difference Between Outreach and Recruitment?

Whereas Outreach tries to promote general awareness regarding women in apprenticeship and nontraditional blue-collar work, Recruitment is aimed at women who want to do blue-collar work and who are willing to do something about it. There are two types of Recruitment, depending upon your goal:

1. **Targeted Recruitment** of qualified applicants to fill definite openings in a particular trade, apprenticeship or training program. If you are a job developer looking for women to fill three slots for welders, you are doing targeted recruitment.

2. **Program Recruitment** of eligible applicants to use services offered by your agency or organization as part of the ABC System. If you are a community college instructor who wants to enroll more women in a course on tool handling and basic mechanical skills, you might decide to do program recruitment.

Some Things Outreach and Recruitment Are NOT

Outreach and Recruitment are not attempts to talk a woman into doing something she isn't ready for or doesn't want. No amount of supportive services, regardless of their quality, can keep a woman successfully moving through the ABC System without a corresponding commitment on her part. The message of Outreach and Recruitment does not say, "You should be a carpenter," or "Apprenticeship is great -- everyone should try it," but rather, "You could become a carpenter's apprentice, if you decide it's right for you . . . and here's how you can find out."

In other words, let the benefits of apprenticeship and skilled blue-collar work speak for themselves. Outreach is intended primarily to challenge sex-stereotypes which discourage women from exploring nontraditional employment alternatives. Matching women to openings during Recruitment does not mean filling slots or promoting particular programs without regard to the women's interests. The only thing women are being "sold" is a more positive estimation of their capabilities and of the options open to them.

At the same time, try not to misrepresent the difficulties facing a woman who chooses to enter the trades. Apprenticeships and blue-collar work are not glamorous, instant jobs or easy work. If you are honest about these facts at the outset, women who decide to go on in the ABC System will not be disappointed later.

How Do Outreach and Recruitment Work?

Outreach and Recruitment can be as simple as putting up a poster, or as involved as coordinating a communitywide media campaign. Whatever size project you choose, two things will be necessary to make it effective: planning and organizing.

Be sure to choose a project you are capable of completing with available resources. Assess each of the following areas early in the planning process:

- Time constraints
- Available funds
- Expected cooperation of individuals and groups in the community

Work out a tentative timetable and budget based on the results of your assessment. If necessary, secure the approval of your agency or organization before proceeding. Then begin contacting the people you listed under "expected cooperation."

Avoid the common error of believing that calling in an outside agency or advocacy group to give a presentation constitutes an adequate Outreach or Recruitment effort. Without support mechanisms within an institution to channel whatever interest is generated into the ABC System, this type of project will have only a minimal effect. Active cooperation is therefore essential.

Even if you decide to produce a small Outreach or Recruitment project independently, you'll probably need help publicizing your event. Enlisting the support of friends, students and co-workers has the added advantage of turning them into advocates for opening apprenticeship and the trades to women. Working together with other groups not only gives you more resources to draw upon, but also opens channels of communication to members and clients of those agencies or organizations. Cosponsoring an Outreach or Recruitment project can become the first step toward building coalitions and networks to keep the ABC System operating in a community.

Planning and Organizing

Planning means thinking carefully and systematically in advance about the project you have chosen. Organizing means developing the plan in detail and implementing it in a consistent, timely and efficient way.

STEP 1: First, clarify your project by classifying it as Outreach, Targeted Recruitment, Program Recruitment, or a combination of these.

STEP 2: Next, make a list of goals. Why are you undertaking the project? What do you hope to achieve? Of course, your long-term objective is to facilitate the entry of women into nontraditional blue-collar work, but try to determine the immediate goals of the project at hand; for example, to inform a particular number of women that applications are being taken for apprenticeship in a particular trade on a certain date.

Before actually beginning work on the project, you should be able to answer the following questions:

- What do you want to say? (Message)
- To whom do you want to say it? (Target Group)
- How do you plan to say it? (Method)

The answers to these questions constitute the third, fourth and fifth steps in the process.

STEP 3: Determine the message you want to get across. In a few sentences or brief outline, describe the main points you need to communicate, whether verbally or nonverbally, in order to accomplish the identified goals.

STEP 4: Specify a target group. Usually this involves deciding which segment of women you want to reach; for example, women who are members of a particular minority group, part of a general audience, etc. Keep this target group in mind

as you begin to design your project. Highlight benefits or services which make participation in the ABC System a realistic alternative for women in the particular target group you choose. Provide child care services for low-income mothers, for example. Whenever possible, feature women who are clearly members of your target group in illustrations and as speakers; they generally make effective role models who will be sensitive to special needs and concerns of women in the target group.

STEP 5: Choose a method. Decide how you intend to get your message across -- through a workshop, radio announcement, photo exhibit, films or color posters. In light of your goals and target group, decide whether printed materials or live presentation would be more effective, and whether you want to emphasize written, oral or graphic communication. If you want to reach all the women in your school district, a small-group discussion would obviously be inappropriate. If you're addressing a group of women who have left high school, you may decide to use oral and graphic rather than written media. Whichever method you choose, try to incorporate the following characteristics into your project:

- o Attractive Design -- To communicate a message, you need to get the attention of your target group.

- o Informal Tone -- Use humor; downplay legalism. Try to create a warm, relaxed atmosphere for discussion.

- o Positive Images -- Portray women engaged in a variety of nontraditional blue-collar occupations.

They serve as role models for women in your target group.

STEP 6: After completing steps three to five, begin final preparations for your project. Make notes if it's a speech, draft the text if it's a leaflet, or design the silkscreen if it's a T-shirt.

STEP 7: Before actually implementing the project, check for sex bias, stereotypes and condescending attitudes toward your target group. Are women portrayed as weak or indecisive at any point? Who is holding the tools in photographs? Are the tools held correctly? Do graphics show women of many races working in active roles? Ask a friend or co-worker, preferably a member of your target group, to help you do this examination and screening.

STEP 8: Implement your Outreach or Recruitment plan.

STEP 9: After the project has been completed, evaluate the effectiveness of your approach. What kind of response did you get? Did you meet the goals you identified? How many respondents were members of your target group? Decide what improvements should be made, redesign the project and start again. Or incorporate what you have learned into future projects.

Specialized Outreach and Recruitment Strategies

Many groups of women have distinctive needs and characteristics which call for specialized Outreach and Recruitment strategies. This section offers suggestions for tailoring projects directed at the most common targeted groups: minorities, older women and displaced homemakers, young women, disabled women, transitioning women and women ex-offenders. Most of these groups face some other

type of discrimination in society in addition to sex discrimination. They typically have more barriers to overcome in order to enter an apprenticeship program or blue-collar occupation and, anticipating this, may be reluctant to consider non-traditional work as a serious possibility. The function of the ABC System is not only to give these women the support they need, but through Outreach and Recruitment to let them know that support is available.

Specialized strategies generally operate in three areas:

- o Publicity and Distribution -- Channels for publicity and distribution of project information should vary according to the segment of women you want to reach.

- o Logistics -- In the case of exhibits or live presentations, logistical arrangements can often be modified to make an event more accessible to women in the target group.

- o Supportive Services and Referrals -- Although supportive services and referrals become more important in later components of the system, mentioning them during Outreach and Recruitment demonstrates a sensitivity to common problems, needs and concerns of women in your target group. Knowing these services exist may also be a factor in some women's decisions to go on to the Orientation component.

  Finally, agencies and organizations you contact about providing supportive services will often cooperate with your Outreach and Recruitment efforts as well by referring clients interested in nontraditional work.

Minority Women

Within the limited range of occupations traditionally open to women, most minority women have been forced into the least prestigious and lowest-paying jobs. They

have been less likely to be able to find employment than nonminority women, but more likely to bear the responsibilities of a head of household. Due to the combined effects of racial and sexual discrimination, minority women have the most to gain as a group from the economic benefits offered by nontraditional employment.

If this is the case, however, why haven't more minority women taken advantage of training and services available within the ABC System? How many times have you heard workers in the employment and training field ask, "Why don't we have more Black (or Puerto Rican, Native American, Chicana, Asian or Pacific Island) applicants?"

If this is your question, here are a few suggestions:

1. Don't wait for minority women to come to you. Many minority women don't know about opportunities in skilled blue-collar work and apprenticeship. Those who have had negative experiences with other agencies may not believe the supportive services you offer will be consistently available and truly work to their benefit. To demonstrate the sincerity of your interest and to ensure that your Outreach or Recruitment message is heard by this group, make the effort to go directly to minority women.

    - Hold events and distribute literature in the communities where minority women live. When doing Outreach to a general audience, try to cover several geographic areas or make presentations in different locations.

    - Make contacts with groups and organizations already active in these communities.

Minority community-based organizations, youth groups, women's clubs, church groups, branches of government agencies, schools and public libraries can all help distribute literature, cosponsor events and publicize your activities.

- Advertise in media that are minority-owned or have a large minority audience.

2. Make your Outreach and Recruitment activities accessible to low-income women.

- Since low-paying jobs seldom have flexible hours, schedule events in the evening or on weekends. Vary the time, if possible, to accommodate women who work different shifts.

- Child care is more than a convenience for women who cannot afford a babysitter and may not be able to make other arrangements. If child care facilities are unavailable or too expensive for your group to provide, allow young children to attend activities.

- Don't select a project which costs money for this target group; for example, "Working Women" T-shirts that cost $5.00 each.

- If you must charge a fee for an event, use a sliding scale based on ability to pay.

When events are free, note this fact in advance publicity.

3. Address the problem of survival. Because of their position at the bottom of the economic ladder, many of these women will not have substantial savings to fall back upon. Those with families to support need steady income and may come to you expecting immediate placement in a nontraditional job. Don't misrepresent the fact that the amount of time and preparation required to enter most skilled trades and apprenticeship programs is often several years. Instead, discuss strategies for survival while a woman is moving ahead in the ABC System: a temporary job to give her experience with tools; a "stopgap job" as a laborer, cab driver or messenger; stipends available to participants in some government training programs.

4. Involve women from the targeted minority group in planning and presentation of projects. From the beginning, include women from the minority community in leadership positions in planning and implementing your effort.

5. Be sensitive to cultural differences between groups.

   o Consider publishing bilingual articles, brochures and announcements, or speaking in the primary language of the group you're addressing. In order not to be misleading, specify that some English is a requirement for almost all apprenticeships and skilled blue-collar jobs. Remind women that they

can enroll in English as a Second Language (ESL) classes while preparing for a trade or apprenticeship program.

- Use multimedia presentations with groups that may have trouble with English or are not print-oriented.

- Participate in cultural events within minority communities. Send representatives and set up booths or tables.

- Encourage relatives and friends of interested women to attend Outreach and Recruitment activities. In many cultures the support of family and peers is extremely important for women who want to continue in the ABC System.

- Look at employment from a cultural perspective. In some cultures, for example, holding any kind of job is nontraditional for a woman. Point out contemporary and historical examples of women from the minority group doing challenging work.

6. Offer to put women in touch with other minority women from the target group who have successfully participated in the ABC System. Instructors in vocational education classes and training programs, appropriate community-based organizations and support groups for women workers may be able to supply contacts.

Older Women and Displaced Homemakers

Displaced homemakers are recently widowed, separated or divorced women who have been out of the job market for a significant period and who are faced with a need to find work. Displaced homemakers can be women of almost any age. Older women and displaced homemakers are grouped together here because statistics indicate they are likely to be reached through similar methods.

Unlike the other groups included in this section, older women and displaced homemakers are not usually targeted for special recruitment for trades work. This is simply a reflection of the fact that the amount of time required to qualify for a trade or apprenticeship, combined with de facto, although illegal, age discrimination, tends to make it more difficult for women in this group to be placed in nontraditional blue-collar jobs. Nevertheless, several women over forty have been admitted to apprenticeship programs and many more are successfully pursuing careers in the skilled trades.

Older women, be they displaced homemakers or not, face age discrimination in whatever field they look for employment. They need to know the ABC System is ready with support and assistance if they are determined to qualify for and enter a skilled blue-collar occupation. Some things to keep in mind concerning Outreach and Recruitment for women in this group:

1. Media used for general Outreach and Recruitment can also appeal to displaced homemakers and older women.

    - Picture and profile women of various ages in graphics, publicity and brochures.

    - Public service announcements on radio and television which go directly into the home are likely to reach women in this group. Begin spot announcements with phrases that recognize a woman's well-developed

homemaking skills may not be bringing her the money or satisfaction she needs.

- o Submit feature stories on older women or displaced homemakers working in the trades to publications likely to be read by women in this group such as PTA newsletters, church bulletins and local newspapers. Include similar articles in your agency or organization newsletter.

2. Request referrals from displaced homemakers' advocacy groups, equal opportunity programs, women's reentry programs, community colleges, adult education programs, government employment agencies and the service organizations listed in Chapter Six.

3. Physical fitness is often a problem for women who have been leading fairly sedentary lives. Be very clear during Outreach and Recruitment about the physical requirements of many blue-collar jobs. Emphasize, however, that different occupations involve different amounts of lifting and heavy work.

4. A woman who has been out of the labor force for some time may need special counseling and orientation to the world of work. Be prepared with the names of agencies or organizations providing these services.

5. Problems surrounding the breakup of a home can seriously interfere with a woman's progress through the ABC System. For displaced homemakers, immediate referrals to legal aid, counseling services, alcohol and substance-abuse programs, or battered

women's shelters can be important. In such cases women may want to go directly to the Individual Counseling component before moving ahead to Orientation.

Young Women

The target group "young women" includes two major subgroups: students and women who have left school and are unemployed. Except for those with family responsibilities, age works to the advantage of women in this group. Most young women can afford to spend time in training and wait for apprenticeships to open up. Many are thinking seriously about choosing a career. Young women can be difficult to work with because they are greatly influenced by their peers' opinions and are only vaguely acquainted with the work world. Therefore, they will continue to head toward low-paying, dead-end jobs after leaving school unless they become aware of nontraditional employment alternatives.

A. **Students**

Schools, at all levels, provide many natural channels for Outreach and Recruitment:

1. Under Title IX, shop classes should be open to students of both sexes, yet tradition, the negative attitudes of teachers and peer pressure have discouraged women from entering. If you are a vocational education instructor in a traditionally male field, make an effort to:

   - Encourage women to participate in shop classes.
   - Help minimize harassment in the classroom.

- o Give advice to women students on further training and job possibilities.

- o Stage a campaign to enroll more women in shop courses at your school or community college.

2. If you teach in a related field, such as math, English or drafting, point out the relevance of theory for both female and male students planning to enter skilled trades.

3. Physical education teachers can play an important role in preparing women for the physical labor required in most blue-collar jobs. Motivate women to keep in shape by explaining how physical fitness can increase the number and kinds of jobs open to them. Include body-building as well as traditional women's exercises in the curriculum.

4. Guidance counselors influence a student's choice of courses, plans for a career, participation in work-study programs and possibly job placement after graduation. If you are a counselor or adviser, you can:

   - o Mention nontraditional career options to women in individual counseling sessions.

   - o Include a unit in counseling classes on women in nontraditional occupations.

   - o Arrange for advocacy groups or women active in the trades to speak at your school.

- o Distribute and display posters and information on women in apprenticeship and blue-collar work.

- o Coordinate a campaign to enroll women in shop classes.

5. Career nights (or days) offer excellent opportunities to publicize the idea of women in nontraditional jobs to younger women.

6. Research shows that friends often have more influence than do employment and training professionals on the way a woman chooses a career or finds a job. Involve students in Outreach and Recruitment projects.

   - o Work together with the student councils, minority student groups and women's organizations.

   - o Submit information about women in blue-collar work to student publications.

   - o Ask students to help distribute publicity leaflets.

   - o Encourage women to sign up for shop and theory classes, in groups if they wish.

B. **Dropouts and Unemployed Younger Women**

Young women who have dropped out of school or other unemployed young women often find their way to special programs, training centers and government agencies in their search for

work. In too many cases these women continue to be routinely steered toward traditional jobs.

1. Plan an Outreach or Recruitment project to reach women in training programs like:

   - o Job Corps
   - o Youth Conservation Corps (YCC)
   - o Young Adult Conservation Corps (YACC)
   - o Regional Occupational Programs/Centers (ROP/Cs)
   - o Skills centers
   - o Federal programs supported by Comprehensive Employment and Training Act (CETA) funds

   If your agency or organization provides additional services within the ABC System, ask these programs for referrals.

2. Work together with community-based organizations (such as YWCA or YMCA), government employment agencies and summer youth programs which serve dropouts and youth.

3. If you are an instructor, counselor, administrator or intake worker in any of the programs, agencies or organizations listed above, consult the suggestions for Outreach and Recruitment in the schools.

4. During Outreach and Recruitment directed at women who have dropped out of school, point out that almost all apprenticeship programs and skilled blue-collar jobs require a high school diploma or GED. Emphasize, however, that helping a woman get her high school equivalency degree comes within the scope of the ABC System.

C. Private industry and union locals use many of the strategies described above to recruit (primarily male) applicants from the younger age brackets. In their case the lines of communication already in place to government, schools and other organizations can easily be used to recruit young women in greater numbers. Joint Apprenticeship Committees and private employers need to request more referrals of women applicants and to strengthen the appeal to women in the publicity and informational literature they distribute.

Disabled Women

Popular stereotypes about the physically disabled continue to contribute to widespread discrimination against women in this target group. The law recognizes various kinds and degrees of physical limitations which can affect a person. Yet many employers assume that anyone classified as "handicapped" either is incapable of working or can only handle light, undemanding job tasks. Employment and training professionals make the same mistake when they steer people in this group toward low-level, unskilled jobs. Excepting the disabled from minimum wage laws perpetuated the misconception that they were unproductive workers and reinforced this tendency to assign them to the lowest-paying job categories. How can Outreach and Recruitment within the ABC System be extended to make disabled women aware of employment alternatives in apprenticeship and skilled blue-collar work?

1. Whether a disability will affect a woman's job performance depends not only upon the nature and degree of her disability, but also upon the requirements of the particular job.

   - o Emphasize the variety of apprenticeships and blue-collar occupations. Some are more stationary than others, use different parts of the body and require more or less physical strength.

   - o Offer examples. Deafness may not be a major barrier for a woman working in an industry where high noise levels require all workers to wear earplugs. Impairment of a leg would not be relevant to many jobs in electronics or machine tooling.

2. Draw on the historical participation of disabled women in the industrial work force. As described above, many disabled women are already working in blue-collar jobs, often under poor conditions, without the benefit of skills training or union membership.

3. Work together with:

   - o Department of Vocational Rehabilitation

   - o Advocacy groups and centers for the disabled. Many of these groups have consulting staff members who can conduct workshops for you and your agency to increase your knowledge about working with disabled women. They acquaint you

with the many assistive devices available, and give technical instructions on ways to restructure jobs to accommodate disabled workers.

- o Skills training programs targeting the disabled

Transitioning Women

"Transitioning women" are women who change from one type of occupation or career to another. The term is usually applied to women moving into the trades from white-collar (primarily clerical) and service occupations, but can also include women coming from unskilled blue-collar jobs with little upward mobility.

1. The best way to contact women in this target group is to do Outreach and Recruitment in areas where large numbers of women work in traditional jobs. Posters inviting women to brown-bag lunch programs in a city's financial district can be very effective.

2. Employers can help minimize the customary distinction made between white- and blue-collar workers for in-house promotions and job transfers. Post announcements of entry-level blue-collar job openings where clerical staff can see them. Recruit both white-collar and blue-collar women workers for skills training and upgrading programs.

3. Staff in government agencies and training programs can work to eliminate sex-stereotyping in referrals and intake procedures which discourage women from transitioning into nontraditional occupations. Women with white-collar skills may prefer to be retrained

for a blue-collar job once they know other employment options are open to them.

4. Discharged military personnel constitute a special category of transitioning women who often face discrimination in employment but are easily placed in nontraditional jobs if they learned a skill while in the service. During Outreach and Recruitment to this group of women:

   - o Explain the value of a blue-collar skill and hands-on experience in the job market.
   - o For women whose skills are not easily transferred to the private sector, mention the advantages of retraining. Basic mechanical and technical knowledge have wide applicability in the trades.
   - o Point out that a dishonorable discharge is not a serious liability in skilled blue-collar work. Employers are more concerned with motivation and ability to do the job.
   - o Ask the Veterans Administration and veterans' organizations for referrals.

Offenders and Ex-Offenders

Apprenticeship and the skilled trades are among the few areas of employment in which a prison record will not automatically exclude a woman. Women who are ex-offenders, accustomed to encountering discrimination, are generally unaware of this fact. Like women in other target groups, they need to know more about the ABC System.

1. Outreach and Recruitment of women who are ex-offenders can be conducted in cooperation with:

   - o Pre-release programs
   - o Halfway houses
   - o Work release programs
   - o Probation departments
   - o Parole programs
   - o Support groups for ex-offenders

2. Prison officials usually allow recruitment within prisons for specific trades.

3. Pretrial diversion projects, created to keep women from entering the prison system, often are willing to cooperate with Outreach and Recruitment efforts.

Conclusion

Historically, sex, race, age and other types of discrimination are very closely linked. Whenever progress is made by one of the target groups described in this section, women in other groups are also likely to benefit. Specialized Outreach and Recruitment of groups facing multiple forms of discrimination ensures that as women head for equal participation in the trades, all women move forward together.

Suggestions for Outreach and Recruitment Projects

Key:

G = Government agencies
E = Education
U = Unions
P = Private industry employers
C = Community-based organizations
I = Individuals

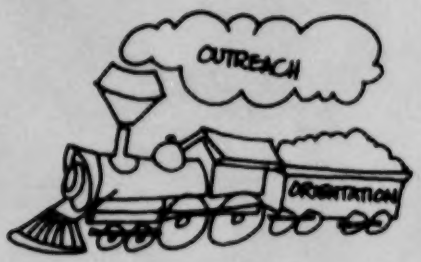
* = Appropriate
** = Especially appropriate

Agency or Organization						Project
G	E	U	P	C	I	
						A. Media and publicity. Distribute at laundromats, supermarkets, coffeeshops and bars, churches, public libraries and offices of agencies and organizations mentioned in this chapter.
**	*	*	*	**		Newsletter including profiles of successful clients or women active in the trades, features on specific occupations, current events calendar, want ads for job openings, information on orientations and support groups, etc.
*	*	*	*	*		Brochures describing your organization's role in the ABC System.
*	*	*	*	*		Pamphlets on women in apprenticeship and nontraditional blue-collar employment.
*		*	*	*		Ads on buses and public transportation.
*	*	*	*	*	*	Posters.
*	*	*	*	*		Leaflets and announcements of job openings, orientation workshops and dates and locations apprenticeship applications are being accepted.
*	*	*		*		Public service announcements on radio and TV.
*	**	*	*	*	**	Articles and feature stories in local or school newspapers.
*	*	*	*	*	*	Stickers or bumper stickers.

Agency or Organization						Project
G	E	U	P	C	I	
*		*	*	*		Ad campaign in local newspapers.
*	*	*	*	*		Incorporate references to women in non-traditional jobs in your agency's standard literature.
*	*	*	*	*		Ads in the yellow pages under "Employment."
*	*	*	*	*	*	T-shirts.
*	**			**		Regular press releases about orientations and upcoming events.
*	*	*	*	*		Bulletin board displays.
*	*	*		*		Appearances on radio and TV talk shows.
*	*	*	*	*		Information, announcements and recruitment through established newsletters, such as PTA newsletters, church bulletins, agency or organization newsletters, trade papers or company newspapers. Start a regular column on women and work.
						B. Events and Live Presentations.
*	*	*	*	*	*	Film and slide shows.
*	**	**	*	*		Exhibits at trade fairs, vocational assemblies and career nights. Make "Women in Nontraditional Work" the theme of this year's event.
*	*	*	*	*	*	Booth or table at county fairs, street fairs and other community events.
*	*	*	*	*	*	Photograph exhibits.
*	*	*	*	*		Presentations or workshops for students, clients, community groups or participants in government programs.
*	*	*	*	*		Floats in parades.
	**			**	**	Parties and dances with the theme of women in apprenticeship and skilled blue-collar work.

Agency or Organization						Project
G	E	U	P	C	I	
*	*	*	*			Units on women in the trades in established counseling classes, agency orientations, job search programs, apprenticeship classes and training for new employees.
*	*			*		Invite speakers from programs, advocacy groups and community-based organizations working to train or place women in the trades.
			*	*		Bring brown-bag lunches and conduct strategy meeting.
*		*	*	*		Make speakers available to other groups through your agency or organization.
						C. Miscellaneous.
*	*		*	*		Set up a Skills Bank of cards listing the trade each woman is interested in along with her experience. When jobs or applications for apprenticeship open up in a trade, postcards are sent out to women who indicate interest. Allow women to fill out several cards for different trades.
*	*			*		Establish a drop-in center where women can get information and meet one another.
	*				*	Encourage students to investigate non-traditional jobs for women as part of school assignments.
	*				*	Organize a high school club of women interested in the trades.
*	*	*	*	*	*	Conduct informal Outreach and Recruitment by talking to friends, students and co-workers.
*	*	*	*	*		Establish goals and timetables for involving women in the skills training or services offered by your agency or organization within the ABC System. Employers can do the same for filling apprenticeships, blue-collar jobs and slots in the training programs.
*	*	*	*	*	*	Share this book with friends, co-workers and students.

CHAPTER 4: ORIENTATION



ORIENTATION

What Is Orientation?

The purpose of Orientation is to convey basic, realistic information about apprenticeship programs, skilled blue-collar work and what it takes for a woman to enter the trades. By the end of Orientation a woman should:

1. Understand what apprenticeship programs and blue-collar occupations are.

2. Have an overview of what is necessary to qualify for an apprenticeship or blue-collar job.

3. Be familiar with the different application procedures in different kinds of apprenticeship programs along with their relative advantages and disadvantages.

4. Be aware of barriers facing women trying to enter the trades, as well as possible sources of support if she decides to enter, including services offered by your program or agency.

5. Determine whether she is still interested in nontraditional work and wants to move ahead in the ABC System.

A woman can accomplish these goals by attending live Orientation sessions (presentations, workshops, group meetings), doing individual research or a

combination of these. Which method(s) she chooses will depend on how much she already knows about blue-collar work, how much she wants or needs to know and what programs and resources are available in her area.

Just as women need to know more about apprenticeship and blue-collar jobs, so do the employment and training professionals who work with them. The Orientation methods described below can also be used to improve your own understanding of training opportunities, the apprenticeship system, sex bias and barriers facing women who want to do nontraditional work.

General Orientation Sessions

A General Orientation offers an efficient introduction to apprenticeship and blue-collar work because it gathers together information from many sources and makes it available in a single session. When the session occurs at the beginning of a comprehensive program assisting women to enter the trades, it ensures that all participants are provided with basic information on program services and blue-collar work before they reach Individual Counseling. This saves the counselor time later and starts women thinking concretely about which trades they are interested in.

If there is no program operator who makes presentations to groups in your community, you may want to develop a General Orientation within your school, agency or organization. The sample outline presented below is intended only as a guide to designing your own session. Many modifications and additions will need to be made, depending upon your audience, time limitations, resources, speaking style, etc. As you develop your presentation, however, try to keep in mind the following points:

- Your General Orientation should reflect the goals listed above.

- Do not assume your audience is knowledgeable about apprenticeship or blue-collar work. Orientation may have to double as

Outreach for women in the audience who have never heard of nontraditional jobs.

- Keep your presentation clear and simple, but thorough. The presenter should be knowledgeable about:

  1. Apprenticeship and blue-collar work in general.

  2. The ABC System in your area.

- Try to create a warm, relaxed, supportive atmosphere. Begin each session by asking women why they have come, what they hope to learn and what trade they already may be interested in.

- Encourage women to ask questions.

- Use graphics or multimedia presentations.

- Invite women already active in the trades to be guest speakers.

- Insert anecdotes from your own experience if you have worked in a trade.

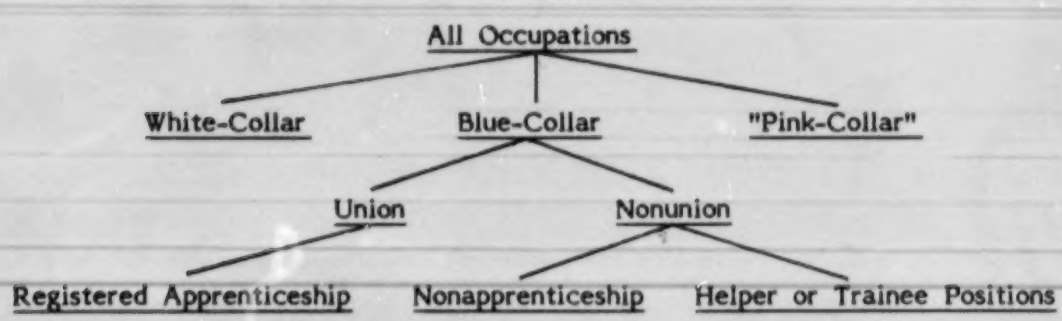
- Always circulate a sign-up sheet for attendee names and addresses.

Presenter's Guide for a General Orientation Session

I. Introduction to Apprenticeship and Blue-Collar Work

A. Explain the difference between white-collar and blue-collar occupations. Most white-collar jobs are clerical or office jobs; blue-collar jobs involve manual work and physical labor. At the time women began entering the labor force in large numbers, a new category of occupations called "pink-collar" arose to describe jobs set aside exclusively for women such as maids, receptionists and manicurists.

B. Without going into detail at this point, draw the diagram below to show the position of registered apprenticeship programs within blue-collar occupations:



C. After mentioning the participation of women in industry during World War II, look at why the trades are opening to women now. Stress the positive gains that have been made, but be realistic about barriers that remain.

1. Impact of the women's movement

   a. Women's changing role and self-image

   b. Development of pioneer projects and support systems to help women enter

2. Legislation and government regulations

   a. Barring discrimination in employment based on sex (Civil Rights Act of 1964 and amendments, Equal Pay Act, Equal Employment Opportunity Commission regulations)

   b. Positive measures to eliminate the effects of past discrimination (Executive Order 11246 as amended, affirmative action regulations in construction, apprenticeship, federal service)

   c. Funding of programs that assist women to enter the trades

3. Women as a group need the economic benefits for reasons such as: more single heads of household, inflation, divorce, low wages in traditional occupations.

4. Successful job performance by women already active in the trades paves the way for new women to enter.

D. Offer some reasons why women want to enter nontraditional blue-collar jobs:

1. Money and economic benefits

2. Opportunity to learn a skill

3. Enjoyment of the work

4. Personal reasons

E. Discuss general characteristics that make a woman likely to qualify for, get in and be successful in a trade:

1. Physically active (not necessarily a weight lifter, but in good physical condition)

2. Familiarity with basic tools (can identify and handle hammers, wrenches, screwdrivers, etc.)

3. Mechanical aptitude (repairing bikes, home appliances)

4. Manual dexterity (typing, playing guitar)

5. A good sense of spatial relations (fitting patterns together in sewing).

6. Classroom background (classes in math, science, shop, blueprint reading, computers)

And the three most important qualities:

* 7. High motivation to be successful in a trade

* 8. Patience (It may take from three months to several years to get into a given occupation or training program.)

* 9. Persistence in order to overcome the sex bias, discrimination and barriers encountered by women trying to enter the trades

F. Remind your listeners that because society does not prepare women for skilled blue-collar jobs, most women do not fit all the characteristics just described. If a woman is not in very good physical shape or if she dropped out of math in high school, she should not despair -- there are things she can do, starting now, to prepare herself to qualify. Stress that there is no single best way to prepare: every bit of background and experience increases her chances of getting the blue-collar job of her choice.

1. Physical fitness. Encourage women to begin physical training immediately. Women should choose whatever method they enjoy and will practice regularly (sports, weight lifting, body-building exercises or martial arts, for example). Mention training offered by your program, the YWCA or YMCA or local gyms.

2. Classroom background. Suggest free or inexpensive schools and classes in your area, including GED preparation and test-taking courses.

3. Volunteer work. Encourage women to gain experience and learn to handle tools by helping a friend repair a car, painting their house, etc. Emphasize that experience doing any kind of blue-collar work will help them learn as well as impress employers and apprenticeship committees.

4. Assertiveness training can help women build confidence, learn to be persistent and perform better in oral interviews.

5. Entry-level blue-collar jobs like stacking boxes or sweeping up the shop floor can often be a way in to the training program or occupation a woman chooses.

BREAK

II. Apprenticeship and Other Training Opportunities

A. Explain the minimum requirements for most blue-collar jobs:

1. Applicant must be eighteen years or older. (In some states, applicants may be as young as fourteen years. Check with the Bureau of Apprenticeship and Training through your nearest office of the United States Department of Labor.)

2. A high school diploma or GED usually is required.

Point out that some jobs and apprenticeship programs have additional requirements (e.g, residency, a year of high school algebra, passing a physical ability test).

B. List some major sources of training:

- o Schools
- o Government employment and training programs
- o Private industry (the employer trains)
- o Military/Coast Guard
- o Apprenticeship
- o Other (fire, police, forestry, public utilities)

Explain that the cost and eligibility requirements for training differ with each source.

C. Point out that all these opportunities are good to keep in mind as different ways of getting training. Although the rest of the session will focus on apprenticeship, women may want to explore other types of training on their own or with a counselor.

D. Ask, "What is apprenticeship?" Offer the following simplified definition:

- o Apprenticeship is a combination of on-the-job work and classroom training, usually cosponsored by labor unions and employers.

Note the number of apprenticeable occupations in your state and the number of those which are really viable programs.

E. Suggest some advantages of apprenticeship over other forms of training:

1. Apprentices are paid for on-the-job training. ("Earn while you learn.")

2. High starting wage (cite the average for your area), plus good benefits and regular step increases in pay and benefits.

3. Union membership usually means better job security, higher pay and sharing in the benefits of collective bargaining (cite the average starting wage for a skilled journeyworker in your area).

4. Geographic mobility increases after "turning out" or graduating as a journeyworker, since it is generally easier to find employment as a union member with a certified skill.

F. Discuss the kind of commitment apprenticeship involves.

1. A full-time job and one night per week of classroom training

2. Usually three to four years working for an employer before "turning out" as a journeyworker

3. Remaining in one geographic location during the length of the apprenticeship

4. Additional time spent preparing and waiting for an apprenticeship slot to open

G. Explain what an indenture is.

"An indenture is the agreement you sign when you enter an apprenticeship program. The indenture is a legally binding contract which establishes the terms of the relationship between you and an employer, including the rights and obligations of both parties. You promise to work for an employer for a certain period under a given pay scale and in return the employer promises to teach you the skills necessary to become competent in your trade according to set schedules and specifications."

H. Look at the minimum requirements for apprenticeship.

1. Applicant must be at least sixteen years (younger in some states, as indicated above for blue-collar job requirements).

2. Most programs require a high school diploma or GED.

Other common requirements include taking a written test and passing an oral interview. Mention whether your program, agency or other organizations in the community prepare applicants for interviews and exams.

III. Applying to Enter an Apprenticeship Program

Explain that almost every apprenticeship program is run by a Joint Apprenticeship Committee (JAC) or Joint Apprenticeship and Training Committee (JATC) made up of representatives from both labor and management. Every

trade in a specific geographic area has its own JAC (give examples from your area). There are three different methods for gaining access to apprenticeship training. They are commonly referred to as: (1) hunting license; (2) list and (3) single-plant apprenticeship programs. Each JAC must choose a selection method and it is usually one of these three.

Explain that although you will give a general outline of each method, JAC's are free to add extra steps or special requirements (e.g., a year of high school algebra). Applicants will therefore have to investigate in detail the application process used by the local JAC in whatever trade they choose. (Note to the presenter: Since the methods described below are subject to wide local variation, be sure to check the combination and sequence of eligibility requirements, written exams and oral interviews used in your area by each type of apprenticeship program.)

A. Hunting License Apprenticeship Programs

1. Give an example of an apprenticeship program in your area that uses the hunting license method for taking applications.

2. Outline the procedure for becoming an apprentice in a hunting license apprenticeship program. A woman will need to:

STEP 1: Go to the area JAC office for the trade she chooses. Bring her high school diploma or GED certificate and an in-state driver's license or birth certificate to prove she meets the minimum requirements.

STEP 2: Register at the JAC office. She may receive a hunting license (formally, a "Letter of Subscription") or a verbal approval which will allow her to go out on her own and solicit work from union contractors recognized as qualified to train apprentices. (A union

contractor is any employer signatory to a collective bargaining agreement.)

STEP 3: Find a union contractor who agrees to take her on as an apprentice. Lists of local union contractors can usually be obtained from the JAC.

STEP 4: Have the employer sign her hunting license or agree to hire her by calling the union hall. She should then return to the JAC office where she will have to pay initiation dues and fees to become a member.

STEP 5: Receive a "Dispatch Slip" from the union authorizing her to start work as an apprentice.

3. Discuss the disadvantages of the hunting license method.

   a. A woman without a good background in blue-collar work may have difficulty convincing an employer to hire her.

   b. Job-hunting requires time, energy and persistence.

4. Discuss the advantages of the hunting license method.

   a. Applications often are accepted year-round.

   b. Most hunting license apprenticeship programs do not require a test.

   c. Since the applicant must take the initiative in finding a job, assertiveness and persistence can work in her favor.

B. List Apprenticeship Programs

1. Give an example of apprenticeship programs in your area that use the list method for taking applications.

2. Outline the procedure for becoming an apprentice in a list apprenticeship program. A woman will need to:

STEP 1: Wait until the list of applicants for the trade she is interested in opens up. Applications are usually taken only once every year or two years.

STEP 2: Go to the area JAC office in the trade she chooses to make application before the list closes (i.e., the deadline for taking applications). Frequently, it is only a few days that applications are accepted. Bring her high school diploma or GED certificate and an in-state driver's license or birth certificate to prove she meets the minimum requirements.

STEP 3: Receive a letter in the mail asking her to appear on a certain date for a written test.

STEP 4: Take the test. If she passes, she should receive another letter telling her to come in for an oral interview. (A few list apprenticeship programs do not require oral interviews.)

STEP 5: Wait to receive a letter notifying her what number she is on the list. (All applicants who pass will be assigned a number and placed on a list, based on their combined scores from the written test and oral interview.) At that time, she should also ask for an explanation of her score.

STEP 6: Wait for her number to come up. As apprenticeship slots become vacant, new apprentices are taken from the top of the list. Her chances of being chosen will be better if the JAC maintains separate lists (for example, one for women, one for minorities).

3. Discuss the disadvantages of the list method.

   a. Applications generally are accepted only once every one to two years (in extreme cases, only once every ten years).

   b. Applicants have to pass a written test and an oral interview. Since scoring on the interview tends to be subjective, this operates to screen out women applicants.

   c. If a woman passes and is placed on the list but does not get to the top by the time the list opens up again, she will have to reapply and be retested.

4. Discuss the advantages of the list method.

   a. Women need fewer job search related skills than in hunting license apprenticeships.

   b. Women can prepare carefully for oral interviews and increase the chance of being accepted.

   c. If a woman places high on the list, the time required for her to be placed in an apprenticeship slot is generally limited.

   d. After qualifying, a woman does not have to invest time and energy hunting for a job.

C. Single-Plant Apprenticeship Programs

1. Point out that skills training essentially parallel to other apprenticeship training programs is available with some large employers, but the methods for gaining access to this training are very different from the other two methods. Single-plant training programs can be either union or nonunion, but again, the training available is basically the same as in other apprenticeship programs.

2. Explain that single-plant apprenticeship programs are "in-house" training, and usually are open only to current employees of the company. Even when a company does recruit from outside, most often current employees are selected for the training program because applicants receive extra points for seniority with the firm. Give examples of single-plant apprenticeship programs available in your area.

3. Mention that single-plant apprenticeship programs are generally guided by an apprenticeship committee that is ordinarily composed only of management people. A "joint" labor-management committee is rare in this kind of apprenticeship.

4. Briefly outline the procedure for becoming an apprentice. A woman will need to:

   STEP 1: Already be employed or become employed by the company offering single-plant apprenticeship training.

   STEP 2: Get information about the apprenticeship programs. Learn how to apply for the program and what the requirements are.

STEP 3: Stay alert for announcements of apprenticeship openings. Note the procedures outlined for application and follow them.

STEP 4: When a training opportunity opens, a woman should communicate with all relevant people that she wants to be considered. Although processes may vary, she should have made a bid in writing for the job. Often a written test or oral interview is part of the selection process and must be passed in order to qualify for the available applicant pool.

STEP 5: Check to see that her name is included in the pool of eligibles.

STEP 6: Wait for a decision for assignment to the apprenticeship opening. Although seniority is often weighted heavily in the selection, single-plant apprenticeship programs may specifically be recruiting women in order to meet various affirmative action requirements.

IV. Agency and Program Services: Where To Go From Here

A. If applicable, explain what services your agency, school or program offers within the ABC System, such as counseling, classes, tutoring, referrals or newsletters.

B. If applicable, describe the eligibility requirements, if any, for using those services.

C. Give simple, clear instructions on how to move ahead in the ABC System for women who are interested. If your organization provides counseling or referral services, explain what women must do to

register. If your organization does not provide these services, mention places in the community where women can get further counseling, training referral and placement. Caution them not to expect support from every service provider. Stress the importance of persistence and the right to demand sex-equitable services from uncooperative agencies. Also mention the possibility of doing independent research and self-counseling.

When presenting a General Orientation session to agency staff, employers or groups of educators, end the session by:

1. Identifying the role of agencies and organizations represented in the audience within the ABC system, and

2. Discussing what members of the audience can do within their agencies and organizations to facilitate the entry of women into the trades.

Small-Group Workshops

Small-group workshops are used to provide women with more detailed information on a specific blue-collar occupation, training opportunity or type of apprenticeship program (hunting license, list or single-plant). Since small-group workshops assume that women who attend have a special interest in the area being discussed, they are best offered in conjunction with a general orientation or extensive individual counseling. Participants may come directly from general orientation, counseling or training referral and may attend more than one workshop if their interests widen or change.

How often workshops are offered will depend upon the level of interest women show and the nature of the subject being covered. Workshops on specific occupations and training programs which attract large numbers of applicants can be held either periodically or by cross-referencing applications and allowing a pool of interested women to collect for each specific area. Because the application and job hunting process is similar for apprenticeships in most hunting license apprenticeship programs, they can be covered together in a single workshop offered regularly. Workshops on list apprenticeship programs should be offered on an as-needed basis, since lists open up infrequently and at different times for each trade. For smaller or less popular industries, extensive individual counseling is generally more appropriate than small-group workshops.

The most effective single element in a small-group workshop is the presence of role models. Invite women involved in the trades to come and participate by sharing their experiences and insights.

Printed Material

Printed material can be another useful source of information on the trades and various aspects of the ABC System. Unfortunately, the publications currently available are not only scattered but frequently fail to address the problems encountered by women trying to enter nontraditional occupations. Nevertheless,

used selectively, these publications are often worth gathering, especially for the following purposes:

1. Handouts effectively reinforce the key points raised at orientation sessions and give participants something to take home and think over.

2. Independent research relies heavily on printed material and may be the principal method of orientation available to women in areas where live presentations are not offered.

For suggested readings and how to locate current publications, see the Resources List at the end of this book. If available materials do not meet the needs of your agency or organization, you may want to develop your own.

Building a Resource Library

Maintaining a resource library on women and nontraditional work requires little allocation of staff time, yet allows women to explore their particular interests in as much depth as they wish. For a resource library to be an effective orientation tool, however, the information it contains must be easy to access. Index resource materials by subject or trade as well as by author and title. School or agency libraries and career centers can cross-reference their regular collections and include references from the resource library in the general catalogue if it is housed as a separate collection. Advertise the resource library through memos, announcements, posters and notices.

Include nonwritten as well as printed materials in your resource library: photographs, films, slide collections, videotapes, exhibits of tools, etc. Since some of these materials on the subject of women in the trades are difficult to obtain, plan a creative project to build up your library and share with other agencies or organizations. For example, take pictures at local job sites or in shop classes;

videotape a general orientation session; ask a film class to produce a short documentary on women in blue-collar work.

Because a resource library presupposes a certain level of interest and understanding on the part of its users, it should be viewed as a supplement rather than a substitute for general orientation sessions.

Other Kinds of Orientation

Anything which gives a woman a better grasp of what working in a blue-collar job is like can be considered part of Orientation. Other methods of orientation include:

1. Industrial tours arranged through employers or the Chamber of Commerce

2. Visits to job sites either individually or with a group from a class or program (If possible, visit a site where women are working.)

3. Informal talks with women (and men) already active in the trades who can answer questions and serve as role models (Agencies and organizations can help interested women make these contacts.)

A Note on Attrition

Do not be disturbed at the number of women who drop out of the ABC System after Orientation. Supplying good, realistic information tends to operate as a self-screening device which allows women to assess the seriousness of their interest in entering a nontraditional occupation. If you think the dropout rate at this point in your program is higher than it should be, try soliciting feedback from women at the end of general orientation sessions on the quality of the

presentation. You might also want to ask a more experienced program operator for advice or technical assistance.

It is interesting to note that women who have used the ABC System described in this book to gain entry into apprenticeship programs have lower attrition rates than male apprentices. It is precisely these self-screening opportunities that make it likely for women who do continue through the ABC System to be successful in the long run.

CHAPTER 5: INDIVIDUAL COUNSELING AND TUTORIALS

INDIVIDUAL COUNSELING AND TUTORIALS

What Is Individual Counseling and How Does It Work?

If the long-term goal of a woman in the ABC System is successful placement in a blue-collar job or apprenticeship program, the purpose of counseling is to help her focus on a specific trade, trades or occupational cluster. Individual Counseling occurs through a series of one-on-one conferences intended to assist the individual woman to tailor the general information provided during Orientation to her own interests, needs and abilities.

Traditionally, women have been discouraged by counselors from pursuing non-traditional careers. Influence of the counselor has been demonstrated by extensive research to be the critical factor affecting women's occupational choices. Therefore, it is very important for counselors to exercise great care and open-mindedness when counseling women to be sure that all women are exposed to the full range of career options possible for them in today's society. Since today, a woman who chooses nontraditional training increases her starting salary by about 200 percent to 300 percent above the salary she can expect in a traditional field, counselors must be sure to clearly communicate to women the economic implications of their career choices. Also, counselors must be aware that because women are frequently completely unaware of the hundreds of "hidden" occupations traditionally done by men, they cannot expect women to walk in the door asking for information about tool and die making or dry wall finishing. The counselor is the person who assists women in filling this information void. When done well, Individual Counseling is guided by the woman's preferences and level of preparedness, leading to referrals that supply her with realistic support based upon choices she makes.

In order to make these choices, a woman needs good information about herself as well as the world of blue-collar work. Therefore, there is no standard approach to Individual Counseling; the counselor proceeds on a case-by-case basis, starting from whatever degree of focus and understanding a woman brings with her into a session. There is, however, a general sequence you can follow as a counselor to help a woman develop goals and direction within the ABC System:

1. Assessment in the three areas mentioned above:

   a. Interests

   b. Needs

   c. Abilities

2. Matching the results of assessment to local employment realities

3. Developing a concrete plan, including strategies and short-term goals, for qualifying in a specific trade or trades

4. Follow-up between sessions and after a woman leaves the Individual Counseling component

5. Tutorials

Each step in this sequence will be covered in greater detail below.

The Counseling Relationship

Like most people in our society, the women you counsel have been taught to respond to service providers as "caretakers" who will tell them what to do. Individual women may expect you to select a trade or training program for them, feeling that "the counselor knows best." Make it clear to each client that although you can offer information, suggestions and support, it is up to her to

make the final decisions and act on them. Since women are just breaking into nontraditional, blue-collar work, it is a vital service to a woman to encourage her to become aware of her full potential in the work world and to be assertive in developing that potential. By taking responsibility for her own progress within the ABC System, a woman begins to build the kind of self-confidence, independence and strength necessary for her to survive and be successful once she enters the work place.

Counselor's Responsibilities	Woman's Responsibilities
Offer support and encouragement.	Voice questions, needs, problems and fears.
Assess interests, needs, abilities and potential.	Be honest and open-minded.
Supply realistic information on blue-collar work and training opportunities.	Readjust expectations in light of information the counselor provides.
Suggest alternatives and strategies.	Choose alternatives, and act on suggestions.
Help woman focus on a specific trade or trades.	Focus on a specific trade or trades.
Develop a plan for entering that trade(s).	Develop a plan for entering that trade(s).
Continue to be available.	Use services as needed.
Do follow-up.	Keep in touch with counselor, and provide feedback.

The barriers encountered by women trying to enter the trades are many and real. A counseling relationship must provide realistic information and place the client in control. Counseling must be characterized by high-quality, continuous support on the part of the counselor. The kind of support you can offer a woman will be affected by your:

- **Openness.** Practice active listening and ask open questions (questions requiring more than a yes-or-no answer).

- **Flexibility.** Structure sessions around the client's needs and concerns. Written forms and assessments should be supplementary, not the central focus of a session. Feel free to alter your counseling approach on a case-by-case basis.

- **Sensitivity.** Be aware of cultural differences and the concerns of women in various target groups.

- **Women's Perspective.** Unless you believe that women can and should be working in trades from which they have traditionally been excluded, your counseling within the ABC System will not be effective.

Assessment

Assessment is a process of discovery designed to:

1. Make the client aware of her potential by showing how her interests, needs and abilities relate to various trades.

2. Clarify what the client must do to qualify for the trade she chooses.

3. Provide the counselor with detailed information on a client.

Assessment is valuable whether or not a woman already has a specific trade in mind, since it can reveal unrealistic plans or expectations as well as give her direction within the ABC System. Because it only takes her personal situation into account, however, assessment must be followed by a realistic examination of local employment conditions in order not to mislead a woman about what employment and training opportunities are available.

Be sure any forms you use specifically request additional comments so that a woman will be able to communicate special qualities or conditions, such as, "I'm a high energy person," "I work best in the afternoons," "I need to begin earning right away."

Assessing Interest

Women enter Individual Counseling with varying degrees of focus about the kind of blue-collar work they want to do. Interest assessment serves these purposes:

1. To determine how focused a woman is. Is she thinking concretely in terms of a specific trade or trades? Does she understand that requirements and working conditions vary greatly among different occupations? Successful placement in an apprenticeship or blue-collar job requires direction as well as determination.

2. To uncover a woman's likes and dislikes regarding employment. Learning about the kind of work environment and job tasks a woman prefers allows you to suggest occupations compatible with her interests. Probe to see if she has a realistic conception of what the work is like in any specific trades she mentions. For example, if a woman says she dislikes noise and prefers to work alone but wants to be a boilermaker, explain what a boilermaker does and ask her to think again about her choice.

3. To be used later by the counselor and the woman to determine possible job choices.

Interest assessment also operates to screen out women who decide at this point in the ABC System that a nontraditional blue-collar job is not for them. Be careful to distinguish, however, between indications that a woman is not interested in blue-collar work (as opposed to white-collar work) and indications that she

would dislike certain kinds of blue-collar work, but might enjoy a job in many of the trades.

Interest assessment is a good beginning for your first session with a client because it centers attention on what she wants and expects from a nontraditional occupation, and why she has come to counseling. Try conducting the session with a series of questions such as those in the list below.

1. What do you think you would like to do?

2. What work have you done (paid or unpaid) that you enjoyed most?

3. What aspect of it did you like doing?

4. If you had your choice of any job, what would it be?

5. If you could go back five (ten) years, would you choose to do the same work you are doing now (or are looking for)?

6. If not, do you want to pursue a different kind of work now?

Another way to begin the session is to ask women to list trades they might be interested in on a preliminary application or registration form. Ask clarifying questions based on the occupations they list. Finally, a formal interest assessment like the one on the following pages can be used as either a written questionnaire or a guide for informal discussion.

Interest Assessment Survey

The following questions are designed to give you and your counselor a better idea of the kind of blue-collar trade you might be interested in. Please put a check next to the answers that apply to you. (There are no "right" or "best" answers.)

1. Do you like physically moving around on a job (___) or sitting/standing in one place (___) or a mixture (___)?

2. Which do you like better, working inside (___) working outside (___) or some of both (___)?

3. Do you mind working at heights? Yes (___) No (___)

4. Do you enjoy driving? Yes (___) No (___)

5. How many miles are you willing or able to travel to a job site?
   Less than 20 miles (___) 20 - 50 miles (___) 50 - 100 miles (___)

6. Which do you like better, working as part of a team (___) or working on your own (___)?

7. Can you stand constant noises? Yes (___) No (___)

8. Do you prefer doing fine, intricate work (___) or work that uses your whole body (___)?

9. Do you feel comfortable working with tools? Yes (___) No (___) Some tools (___)

10. Which of the following schedules would you be willing to work? (Check as many as apply.)

Night work (___)	Seasonal work (___)
Changing shifts (___)	Long hours (more than eight
Overtime (___)	hours per day) (___)

11. Would you feel uncomfortable sharing restroom facilities with male co-workers? Yes (___) No (___)

12. Do you like doing puzzles and figuring out problems? Yes (___) No (___)

13. If money were no problem, what is the maximum amount of time you would be willing to invest in an apprenticeship or other training program?

    Less than one year (___) One to two years (___)

    Three to four years (___) Five years (___)

14. Which do you like better, fixing things (___) or creating new things (___)?

15. Do you enjoy putting things together (toys, sewing patterns, jigsaw puzzles)? Yes (___) No (___)

16. List any sports you participate in: _____

    _____

17. Do you prefer working at one location (___) or would you be willing to move around to different job sites (___)?

18. Would working with chemicals or potentially hazardous materials bother you? Yes (___) No (___)

19. Do you like a job with varied work (___) or just one kind of job task (___)?

20. Do you work well under pressure? Yes (___) No (___)

21. Would you mind doing dirty work? Yes (___) No (___)

22. Do you prefer a job where you interact with the public (___) only with co-workers (___) or some of both (___)?

23. Which do you like better, doing one step in a job (___) or doing a job from start to finish (___)?

24. How often could you take doing lifting and carrying on a job?
Rarely (___) Occasionally (___) Frequently (___) Regularly (___)

25. Do you like math? Yes (___) No (___)

26. Do you mind taking orders? Yes (___) No (___)

27. Would you be willing to take classes to learn technical skills you may need for the trade of your choice? Yes (___) No (___) Yes, with some reservations (___)

28. List any hobbies, crafts or unpaid work that has given you an idea of the kind of blue-collar trade you would enjoy: _____
_____
_____

29. Comments: _____
_____
_____

Assessing Needs

For the purposes of assessment, "needs" refer to educational, economic and material factors which have a bearing on the kind of trade or training program a woman considers and the strategies she develops within the ABC System to prepare herself to qualify. Most of the information required for assessing needs can be gathered through a general application or registration form and verified orally during the first session with a client.

What kind of educational, economic and material factors can influence the directions a woman takes within the ABC System? Below are some of the more important considerations:

1. **Age.** A woman must be eighteen or older to qualify for most blue-collar jobs and training; however, the Job Corps is one exception.

2. **Education.** Many apprenticeship training programs and other blue-collar jobs require a high school diploma or GED. Some apprenticeship programs have specific educational requirements, such as the electricians, who require one year of algebra with a "C" average.

3. **Income.** If a woman is unemployed or economically disadvantaged, she may qualify for (or be receiving) unemployment insurance or some type of public assistance.

    - Public assistance may provide the money a woman needs to survive while she goes through training or looks for a job.

- Women with little or no income may be eligible for government-sponsored training programs and government-subsidized employment.

- Some public assistance programs pay for training, tools or other costs related to finding a job, such as the WIN program.

If a woman is accustomed to a sizeable income, she may have difficulty adjusting her standard of living downward to accept the wages of an apprentice or trainee. Remind her that a cut in pay now still means a higher earning potential for the future. Ask, "Do you need to be paid during training?" "Would you be willing to accept minimum wage while you were being trained? If not, how much do you need to live?" Income may also affect whether a woman can afford to pay for training, whether she decides to pursue a trade that requires investing money in tools and equipment, etc.

4. **Number of dependents and whether a woman is head of household.** Obviously the income required to survive during training must be adjusted for the number of people a woman has to support. Depending upon the circumstances, you may decide to counsel her to keep whatever job she has while preparing to qualify for a trade or to find a "stopgap job" in a related field if she is unemployed. Women receiving AFDC should be informed about the opportunity to enroll in the WIN program which subsidizes training and other costs related to locating employment. Be sure the client understands that it is her responsibility to

follow up on these suggestions and that she does not expect you to do it for her.

5. **Membership in a special target group.**

   a. Minority women may be eligible for special funds or may benefit from affirmative action plans and separate lists of minority applicants to apprenticeship programs kept by JAC's.

   b. Displaced homemakers and re-entry women may also be eligible for special programs, especially with community colleges.

   c. Young women enrolled as students may have ready access to classroom training. Youth programs often include training opportunities in blue-collar work.

   d. Disabled women may be eligible for SSI (Social Security Insurance) and assistance from the state departments of vocational rehabilitation or Centers for Independent Living.

   e. Veterans are entitled to many special benefits and educational subsidies. Veterans Information Centers have details.

   f. Ex-offenders are often eligible for special programs and projects which include or pay for training. For instance, free bonding

programs to protect employers are available through employment service agencies.

Again, emphasize that it is up to the client to investigate potential sources of assistance you mention during counseling. Provide her with the appropriate contacts and phone numbers.

6. **Child care needs.** Unless your agency or program provides child care, women may request referrals to inexpensive child care services. Mothers enrolled in WIN and many other state and federally funded programs are entitled to be reimbursed for child care expenses. Availability of child care may also affect the hours a woman is willing to work.

7. **Transportation.** Reliable transportation is necessary for trades like construction which require traveling to different job sites. Advise women who rely on public transportation and have no prospect of getting a car to focus their attention on single-plant employers.

Assessing Abilities

Since few women grow up regarding skilled blue-collar occupations as employment possibilities, few can compete equally with men for a nontraditional job or training program at the time they enter counseling. This is interesting in that the results of the seven areas of the General Aptitude Test Battery (GATB) showed women to excel in four areas: form perception, clerical perception, motor coordination and finger dexterity. Women proved to have abilities equal to those of men in two areas: numerical reasoning and manual dexterity, and men were shown to excel only in the area of spatial reasoning.

The primary purpose of abilities assessment is not to disqualify a woman from doing blue-collar work on the basis of abilities and skills she already possesses, but rather to:

1. Expand her awareness of the kinds of work she can realistically consider.

2. Identify abilities which may influence her choice of a trade.

3. Give both counselor and client a better idea of the preparations required to make a woman job-ready.

Abilities assessment should cover four major areas:

1. Physical preparedness

2. Experience

3. Psychological preparedness

4. Skills

Although strategies for becoming job-ready will be discussed at the time a woman develops a plan based on job requirements in a specific trade or trades, during assessment you can offer general suggestions for strengthening a woman's background in each area.

1. **Physical preparedness.** What physical shape is your client in? Is she physically active? Does she get regular exercise? Recommend taking up a sport or joining a gym. Also mention the importance of building upper body muscles, usually a weak point for women. Does she have any disabilities or physical

limitations which might affect her choice of occupation?

2. **Experience.** Ask your client about previous experiences which may have given her the chance to develop abilities that can be related to blue-collar work. These can include:

   - o Paid work
   - o Unpaid and volunteer work
   - o Sports activities
   - o Hobbies or crafts
   - o Classroom training, both theoretical and hands-on

To save time, request this information on her application or registration form.

3. **Psychological preparation.** When a woman looks at a nontraditional occupation and asks herself, "Is this the right job for me?" or "Can I do the work?," social attitudes and perhaps added pressure from family or friends may predispose her to answer, "No." When assessing a woman's psychological preparation, remember that you are there to offer positive support and encouragement. Remember, too, that a woman's attitudes toward herself and the people around her often change dramatically and positively as she works her way through the ABC System.

- Orientation to work: Has she ever been employed? If so, has she been employed recently, or will she have to readjust to the world of work?

- Self-confidence: Pay attention to your client's body language and the way she presents herself. If she seems modest or shy, mention the importance of assertiveness for passing blue-collar job interviews and surviving on a job site. You may want to suggest assertiveness training. If she seems unsure that she will be able to succeed doing nontraditional work, tell her success stories of other women, show her photographs of women doing nontraditional jobs and cite earnings statistics to be sure she is considering the full economic implications of her choices.

- Ability to deal with men on the job: Is she comfortable working with men, and has she worked with them before? Discuss with her the realities of working on a job where she may be the only woman. Is she prepared to face hostility or harassment from male co-workers? Does she feel she could deal with sexual advances by co-workers or supervisors? Remind her that in cases of harassment she should feel free to come to you for legal referrals, mediation and personal support.

- Personal support: Ask how friends and relatives feel about her interest in nontraditional work. If she comes from a cultural background which places great importance on family ties, address the problem directly by asking her if close relatives oppose her work. If the answer is yes, offer to provide a family counseling session to assist her in explaining the appropriateness of her interest in nontraditional work. Does she feel she is getting the personal support she needs, and if not, does she feel she can develop it? Give her the names and phone numbers of women from similar backgrounds who are successfully pursuing nontraditional jobs. Rely on the women who have pioneered the field and who can give first-hand, realistic information about both problems and solutions.

4. **Skills.** What tools and equipment, if any, has your client used? Has she had any formal or informal skills training -- on-the-job, from friends or in the classroom? Ask her to complete the skills translation survey on the following pages. It is designed to relate tasks and activities women commonly perform in everyday life to skills required in different kinds of blue-collar work. In contrast to the interest assessment, the skills translation surveys areas in which a woman already possesses a degree of competence or experience. It is a good idea to compile a set of notebooks containing job descriptions, articles and photographs illustrating specific jobs within each

occupational cluster listed on the skills translation form for women to consult after they have completed the survey and reviewed the results.

When reviewing the skills translation form results, note those occupational clusters where the woman's skills seem to transfer most readily. Then explore with the woman the opportunities and kinds of jobs available within that cluster as a way of further focusing her career goals.

Skills Translation Survey

The form below is a tool to help begin to identify the things you may have done in your life that can be applied to nontraditional occupations. The columns are labeled C, I, M, S, T, O. These stand for:

C = Construction Occupations
I = Industrial Production and Related Occupations
M = Mechanics and Repairers
S = Scientific and Technical Occupations
T = Transportation
O = Other Skilled Occupations

There are x's in some of the columns across from each activity listed. The presence of an x indicates that that activity is relevant to the major occupational cluster coded at the top of the column. For instance, under Traditional Skills, #1, Typing, x's are found in the I, M and S columns. This means that typing skills can be "transferred" to many occupations in the Industrial Production, Mechanics and Repairers and Scientific and Technical occupational clusters.

Please circle the x's appearing in the columns across from all skills and activities in which you have experience.

Traditional Skills	C	I	M	S	T	O
1. typing		x	x	x		
2. dictaphone transcription		x	x	x		
3. pbx operator		x	x	x		
4. mimeograph machine		x	x	x		
5. steno machine operator		x	x	x		
6. collating machine		x	x			x
7. beautician	x	x	x	x		x
8. nurse	x	x	x			
9. lab technician		x	x	x		
10. orderly	x	x		x		
11. physical therapist		x			x	x
12. food service		x	x		x	
13. cook		x	x			x
14. dishwasher	x	x				
15. delivery person	x	x			x	
16. food service bus person	x	x	x			
17. bell person	x				x	
18. parking attendant	x	x			x	x
19. maid	x	x				
20. cashier		x	x		x	

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Skills Translation Survey
(continued)

Homemaking Skills		C	I	M	S	T	O
21.	grocery carrying	x	x				x
22.	dusting	x	x	x			x
23.	gardening	x			x		x
24.	driving	x	x			x	
25.	mopping	x					x
26.	sweeping	x	x				x
27.	painting	x	x			x	
28.	wallpaper hanging	x	x	x			
29.	panelling	x	x				
30.	book shelf building	x	x	x			x
31.	wiring (lamps, stereo)	x	x	x	x		
32.	remodelling	x	x	x	x	x	x
33.	furniture moving	x	x			x	
34.	furniture refinishing	x	x				
35.	tile laying	x	x				
36.	window washing	x					x
37.	assembly (toys, etc.)		x	x	x		
38.	farming	x	x	x	x	x	x
39.	cooking		x	x			
40.	carpet cleaning	x	x			x	x
41.	woodcutting	x	x			x	
42.	child lifting	x	x	x		x	

Home Craft Skills		C	I	M	S	T	O
43.	macrame	x	x		x		
44.	sewing	x	x	x	x		
45.	knitting	x	x	x	x		
46.	pottery making	x					x
47.	jewelry making	x	x	x	x		
48.	needlepoint	x	x	x	x		
49.	rug making	x	x	x	x		
50.	crocheting	x	x	x	x		
51.	weaving	x	x	x			
52.	ceramics		x	x			x
53.	candle making	x			x		

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Skills Translation Survey
(continued)

Physical Activity Skills		C	I	M	S	T	O
54.	weight lifting	x	x	x	x	x	x
55.	jogging/running	x	x	x	x	x	x
56.	baseball	x	x	x	x	x	x
57.	football	x	x	x	x	x	x
58.	rock climbing	x	x	x	x	x	x
59.	back packing	x	x	x	x	x	x
60.	tree climbing	x	x	x	x	x	x
61.	hang gliding	x	x	x	x	x	x
62.	bicycle riding	x	x	x	x	x	x
63.	motorcycle riding	x	x	x	x	x	x
64.	swimming	x	x	x	x	x	x
65.	archery	x	x	x	x	x	x

Tool Usage		C	I	M	S	T	O
66.	hammer and nails	x	x	x	x		x
67.	screw driver	x	x	x	x		
68.	hand saw	x	x	x			x
69.	skill saw	x	x		x		x
70.	electric saw	x	x		x		x
71.	air hammer	x			x		x
72.	pruning shears	x	x				x
73.	lawn mower	x	x				x
74.	wheel barrel	x	x			x	x
75.	forklift	x	x			x	x
76.	wood chisels	x	x				x
77.	drills (metal and wood)	x	x	x	x		x
78.	planes	x	x				x
79.	glass cutter	x	x		x		
80.	tool sharpener	x	x	x	x		x
81.	files	x	x	x	x		
82.	hack saw		x	x	x		x
83.	solder	x	x	x	x		x
84.	wrenches	x	x	x	x		
85.	pliers and snips	x	x	x	x	x	x

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Skills Translation Survey
(continued)

Production Assembly		C	I	M	S	T	O
86.	automotive	x	x	x	x	x	x
87.	electronic	x	x	x	x		
88.	mechanical	x	x	x	x		
89.	glass		x		x		x
90.	food		x	x			
91.	electrical	x	x	x	x	x	x
92.	plastics		x		x		
93.	paper	x	x				
94.	metal	x	x	x	x		
95.	containers		x	x			
96.	toys		x	x	x		x
97.	furniture	x	x			x	
98.	paint	x	x			x	

Special Skills		C	I	M	S	T	O
99.	machinist	x	x	x	x		x
100.	mechanic	x	x	x	x		
101.	welder	x	x	x	x		x
102.	molding	x	x	x			
103.	blueprint reading	x	x	x	x	x	x
104.	schematics	x	x	x	x	x	x
105.	carpentry	x	x		x		x
106.	plumbing	x	x				
107.	graphics	x	x	x	x		
108.	landscaping	x			x		x
109.	construction	x	x	x	x	x	x
110.	printing		x	x	x		
111.	drafting	x	x	x	x		
112.	mechanical drawing	x	x	x	x		
113.	map reading	x	x	x		x	

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Matching the Results of Assessment to Local Employment Realities

Since the world of work also affects the path a woman takes through the ABC System, she needs to view the results of assessment against local employment conditions in the trade(s) she is considering. Questions you both should be asking include:

- Is the trade active in your area? Are opportunities for training available locally? If not, is she willing to relocate?

- What is the unemployment rate in the trade (nationally and locally)? How is the outlook for jobs in the future? Is it a growing or a dying trade?

- How hard is the trade to break into? Investigate the numbers of local women already active in that trade and the experiences of women who have tried to enter it.

- If she is interested in an apprenticeship, does the JAC use the list or hunting license method? Will she have to pass a competitive test to qualify for an oral interview? Will the interview be conducted by a panel or an individual? Has the JAC set any special requirements?

- If she is interested in an apprenticeship program using the list method, when does the list open up? Is she willing to wait?

- Will the assistance she receives from your agency or organization depend upon the trade she chooses? If

she is interested in a small industry or apprenticeship program that your agency seldom deals with, explain that you will have to work together to discover leads and contacts.

Suggest that your client do further research on her own by contacting JAC's and employers directly, and follow up contact leads of other men or women working in the trades. If you find that local employment realities do not match the occupation(s) she focused on after assessment, try suggesting less well-known trades that might also fit her interests, needs and abilities.

Developing a Plan

Some counselors find that developing an Employability Development Plan (EDP) with each woman is helpful for organizing the information gathered and decisions made during individual counseling sessions. As the sample form in the Appendix at the back of the book shows, an EDP plots out a woman's course through the ABC System, assembling background material, formulating strategies for overcoming personal and work-related barriers and documenting her progress. Whether or not you choose to work with a formal EDP, the concept of a plan includes features you will want to incorporate into your counseling approach:

1. Planning ahead gives a woman direction; it enables her to anticipate and prepare to meet barriers. Unless she has a sense of the big picture, a woman remains dependent on her counselor's advice instead of being able to take control of her own progress.

2. Thinking in career terms avoids the counselor's tendency to channel women into whatever slots are available without reference to whether she can use her training or experience to develop her career in the future.

3. Setting a goal of placement and success in a specific trade encourages a woman to define clearly what she wants and gives her a concrete sense of what she will have when she attains her goal. It leads to better referrals and more effective preparation.

4. Examining in detail job requirements and working conditions in trade(s) a woman has focused on. Explore her assumptions and expectations to ensure she has a clear, realistic conception of each trade she intends to prepare for. Do your own independent research, including on-site visits and interviews with people working in the trades, to familiarize yourself with job requirements and working conditions, and to discover more hidden trades.

5. Developing strategies for overcoming barriers and preparing to qualify. Come up with a series of concrete steps or alternatives that can form the basis for referrals to tutorial and training services.

6. Agreeing on a timetable (optional). Projecting dates for the completion of steps outlined above can provide added motivation for moving ahead in the system.

7. Recording referrals and follow-up contacts.

Development and implementation of a formal or informal plan may extend over several counseling sessions; the plan should be revised and updated at each new session. Remember that the EDP is something you and your client develop jointly. If it is written, she should have a copy; if informal, make sure you share the same understanding about directions and strategies you have discussed. Always end sessions on a concrete note by identifying the next one or two

specific actions your client needs to take. Acknowledge realistically the limits of the support you can give, but reaffirm your commitment to your client.

Follow-Up

Since the counseling relationship is ongoing, you will need to do follow-up both between sessions and after a woman has been placed or dropped out of the system. Obviously, the amount of follow-up you can do on any one client depends upon the time, staff and financial resources you have to work with. Some counselors wait for a woman to get back in touch after the first counseling session to demonstrate serious interest and motivation. The more sessions you have with a woman and the longer she is involved in the ABC System, the more follow-up you may want to do. See Chapter Eight for details on how to conduct effective follow-up.

Detecting Bias and Discrimination in Counseling

Bias or discrimination in counseling has a significant effect in perpetuating occupational sex-stereotyping because it steers women away from nontraditional occupations at points in their lives when they are looking for a job or planning for the future and could be open to moving in a new direction. The following checklist is designed to provide indicators to women who are receiving biased treatment or information in counseling.

A Checklist for Detecting Bias and Discrimination in Counseling

- Does your counselor suggest nontraditional training and job opportunities or do you have to bring it up?

- Does the literature appear to be biased? For instance, are all references to workers in the trade male? Are job titles that include references only to "men" included in the literature? Do illustrations portray

men doing certain "men's" jobs and women doing "women's" jobs.

- If you have a white-collar skill, has your counselor mentioned the possibilities and opportunities for retraining for nontraditional occupations?

- Are biased posters or bulletin board displays found in the counseling office? For instance, are there pictures of only women doing nursing, clerical or service work, and pictures of only men doing trades work?

- If you took vocational aptitude tests or interest assessments, did they ignore skilled blue collar trades? Did they use biased language?

- Do the job descriptions you are shown use biased language? Are job listings divided according to sex?

- Are applicants for particular jobs referred to only as "he" or "she"?

- Are you shown only descriptions of traditional women's jobs?

- Does your counselor stress only the disadvantages of nontraditional blue-collar work?

- Are the job descriptions and referrals you receive stereotyped on the basis of race or age?

- Has your counselor encouraged you to take whatever job or training slot you can get, instead of developing your potential and thinking in terms of a career?

As a counselor, use this list to screen the counseling practices at your school, organization or agency for bias and discrimination. If you are a student, client or program participant who finds herself answering "yes" to many of these questions, chances are you have stumbled across one of the barriers frequently encountered by women trying to enter the trades. In such a case, what should you do?

First of all, do not expect support from your counselor -- she/he may not even be knowledgeable about blue-collar occupations or nontraditional jobs for women. On the other hand, remember that the counselor is there to serve you; if you are not getting the advice and information you want, it is your right to request another counselor, demand nondiscriminatory treatment and keep coming back until you get the services you need. A careful rereading of this chapter should give you the information necessary to conduct self-assessment and develop your own employment plan if you cannot get bias-free assistance from a counselor.

What Are Tutorials?

Tutorials are intensive, individualized instruction sessions to prepare a woman to qualify for the trade(s) of her choice. Tutorials are not skills training in a specific trade; rather, they prepare women in areas generally assumed as background or required on tests that lead to blue-collar jobs and technical training programs. The main areas commonly covered in Tutorials are:

- GED Preparation
- ESL (English as a Second Language)
- Physical Fitness (If your program cannot afford insurance, try cosponsoring physical fitness training with another organization or the local YWCA/YMCA. Use handouts for instructing women on how to train at home.)

- Oral Interviewing. The tutor assists women in preparing for qualifying interviews by practicing with them the specific questions likely to be asked and rehearsing effective responses to those questions. Particular care is taken to prepare women to handle group interviewing processes well.

- Test Taking. Usually the tutor works with material taken directly from old tests obtained from employers or JAC's, preferably in the trade a woman is preparing for. General test-taking skills, such as passing timed exams and answering tricky questions, are covered. The instruction also concentrates on test content, including some or all of the following topics:

  - Basic Math -- addition, subtraction, multiplication, division, fractions, decimals, percentages, metric system conversions, a little algebra and geometry

  - Tool Identification -- specifically those commonly used in the trade

  - Mechanical Reasoning -- lever, pulley, wheel and axle, inclined plane, screw and wedge; basic relationships between force, weight and distance

  - Spatial Relations -- ability to visualize forms in three dimensions

- Reading Comprehension -- basic content

The special instruction offered during the Tutorial component is important because it enables women to compete on a more equitable footing with men.

How Do Tutorials Work?

Since Tutorials are structured around the individual and her particular goals within the ABC System, they generally take place in a one-on-one or small-group situation. In either case, a woman begins at her own level and moves ahead at her own pace, concentrating on areas in which she is weak. The more focused she is about her employment goals, the more she will benefit from the Tutorial program.

Since many women work during the day, Tutorials should be scheduled for evenings or weekends as well as weekdays, in several locations if possible. Ongoing, open-ended sessions can be offered on a drop-in basis for women who have already been through Orientation. Within the general subject areas listed above, the content of each session should vary according to the needs of women in attendance and which apprenticeship tests are due to be given. A good tutor will take the time to investigate the types of questions asked on tests and interviews by different JAC's and local employers.

In areas without Tutorial programs, women can design a course of self-instruction by piecing together information from many different sources. Join a gym or sports team, take relevant continuing education classes and use your public library. Ask a local school to recommend a tutor if you are having trouble in some subject. To practice interviewing skills, get a friend to pose as an employer who raises tough questions and objections. If you are preparing for an apprenticeship program which uses the list method, ask the JAC coordinator whether they have a coaching service or samples of old tests available. The coordinator may be willing to put you in touch with a journey-level person who has already taken the test. Place an ad in local newspapers seeking other people interested

in qualifying for a trade -- preparing can be more fun if you do it with someone else.

What Makes an Effective Tutorial?

There are many ways to enhance Tutorials and make them more effective for the women taking them. Some suggestions:

- Since some women have fears and bad feelings associated with classroom situations, try to keep the atmosphere of Tutorials as informal and supportive as possible. Some tutors prefer to hold classes in their homes.

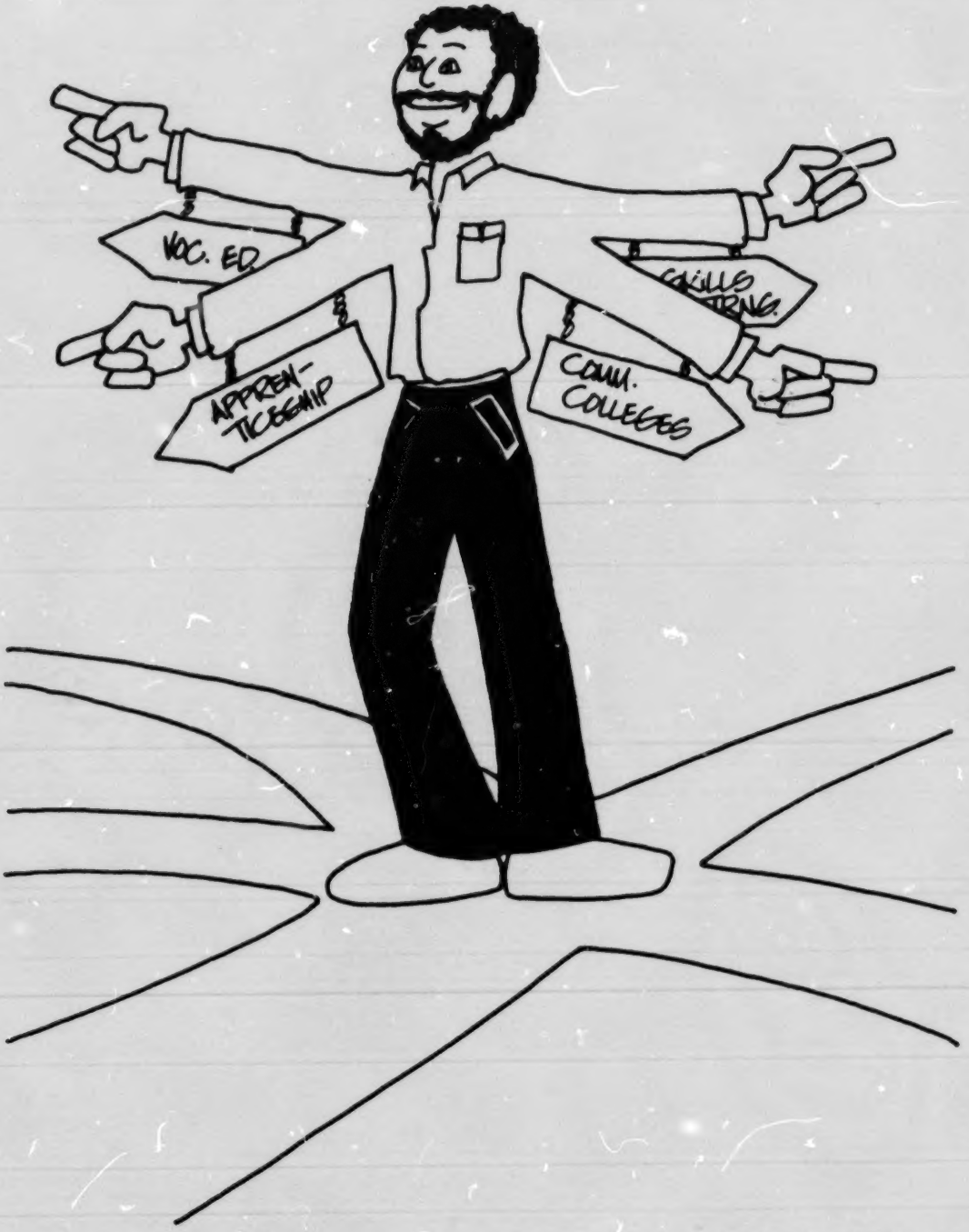
- Use warm-ups to open each session and after breaks. A few minutes of informal discussion around a theme, brief introductions or a short learning game will relax people, help them get to know one another and focus their thoughts on the subject matter.

- Rely on positive reinforcement, pointing out the successes and progress a woman makes. Never embarrass her in front of the group or make her feel as though she has failed. As a tutor you are there to encourage and instruct.

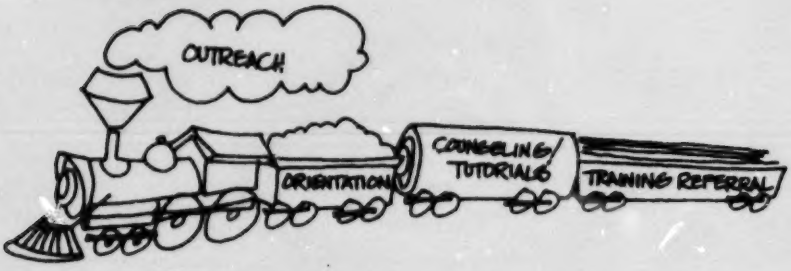
- Supplement written material with multimedia instruction, role plays, models, graphics, learning games, etc.

- Take breaks. Have tea and coffee available. If you are working in a group, women can take turns bringing refreshments.

- Facilitate the formation of support groups of women going through the Tutorial component at the same time.



CHAPTER 6: TRAINING REFERRAL



TRAINING REFERRAL

What Is Training Referral?

Training Referral involves discovering sources of training which are accessible to a woman and appropriate for her occupational goals. By the time a woman reaches the Training Referral component, she should already possess basic information on blue-collar occupations and apprenticeships, as well as direction toward a particular trade or trades. As she began to develop an employment plan during Individual Counseling, she asked herself, "What do I need to do to qualify for the trade I have chosen?" After identifying the types of general and technical training she wants to pursue, she faces another question: "Where can I get that training, given my present level of preparedness, as well as my economic situation and other personal considerations?"

Whether a woman investigates sources of training on her own or with the help of a counselor, she may encounter sex bias and discrimination. Some public and private sector training programs remain nonsupportive of women seeking nontraditional employment and are insensitive to their needs. If a woman is determined to reach the goals set out in her employment plan, however, she can avoid being steered into training slots that will not contribute to making her job-ready in the trade of her choice.

As a counselor, the value of the Training Referrals you make will depend upon the quality of the work you do. Check out referrals in advance by contacting the training provider and researching the program. Become knowledgeable about the types of training available and how prerequisites, costs and content differ from program to program. Make an effort to locate as many sources of training as possible in your area. Remember that effective Training Referral includes

conducting follow-up to determine the outcome of each referral and offering women continuing support after they enter a program.

Sources of Training

The School System

Although on-the-job training is probably more important for getting into a blue-collar occupation, a certain amount of classroom training is essential for understanding the theory behind various technical job tasks. Formal education can also offer a psychological advantage for women who need to gain more confidence in their ability to do basic math and handle tools. Ideally, of course, women should be encouraged to master these skills the first time they pass through the school system.

The following list details the sources of training available in most communities:

K - 12 (Kindergarten - 12th Grade)

Relevant Training:	Basic English Reading Comprehension Basic Math Physical Education Shop Classes Vocational Education Classes Work-Study Programs
How to Contact:	Contact your local school board office or office of education.
Comments:	All teachers and counselors need to actively encourage female students to take math, science and technical courses. In many areas, special programs are helping young women overcome

the socially produced avoidance of math and science.

Adult Education

Relevant Training: GED Preparation
English as a Second Language (ESL)
Math
Hobbies and Crafts
Test-Taking Preparation (Civil Service exams, contractors' exams, for example)

How to Contact: Call your local school governing board office or office of education. Adult education classes are run through the K - 12 system, often using regular school facilities during the evening.

Comments: Adult education courses have few or no pre-requisites and do not lead to a degree. Courses on test-taking will not be directed to a specific JAC exam, and perhaps not even to blue-collar occupations, but they may contain information women in the ABC System find useful. Fees, if any, are minimal.

Community Colleges

Relevant Training: Math
Science
Remedial Math, English and Reading
Physical Education
Computer Sciences
Test-Taking
Technical Skills

- Electronics
- Drafting
- Blueprint Reading
- Surveying
- Lab Technician
- Others

Vocational Education

- Welding
- Auto Mechanics
- Landscaping
- Others

Assertiveness Training

How to Contact: Call the local board of education (community college section) or look under "Schools-Universities and Colleges" in the yellow pages of your telephone book to locate campuses in your area. For course listings, call the specific department in which a course is offered. Try to contact the district or campus sex equity coordinator and women's organizations, if they exist, for further advice, information and support.

Comments: Community colleges generally require money for books, lab fees and tools, although financial aid is usually available. Because considerable investment is necessary before enrolling, call the instructor to clarify course content and its relevance to occupational goals. Many classes are offered only at night. Women may have to travel, since some courses are not offered on-site. Although community colleges offer two-year degree programs, these programs may not be practical for women interested in entering a

trade immediately, because prerequisites must be taken before technical electives. JAC's generally do not waive apprenticeship-related instruction requirements for related classroom training, but such courses can be valuable for improving a woman's blue-collar background. Counselors doing training referral should be aware that women without a strong educational background may feel more comfortable in a program labeled "Adult Ed" than one associated with college.

Four-Year Colleges

Relevant Training:
Engineering
Computer Sciences
Math
Sciences
Physical Education
Agriculture
Lab Technicians
Industrial Education
Business Education

How to Contact: Look under "Schools-Universities and Colleges" in the yellow pages. Contact the department chairperson for industrial, agricultural or business education.

Comments: Four-year colleges are generally expensive, are usually theoretical and may not be specifically relevant to the needs of a woman who is seeking a blue-collar job. However, women in industrial education classes are heavily recruited by

industry and often leave school before completing their degree because of the lucrative offers they have received.

Private Trades Schools

Relevant Training: Culinary Arts
Electronics
Computer Sciences
Welding
Drafting
Truck Driving
Other Technical and Vocational Skills

How to Contact: Look under "Schools-Industrial and Technical and Trade" in the yellow pages.

Comments: Private schools are run for profit, and the costs are beyond what most women can afford. Women interested in one of these schools should investigate its training program and placement rate carefully before enrolling and talk to other students and graduates, if possible.

Government Employment and Training Programs

The U.S. Government has sponsored various nationwide training programs over the years under several different names. The current program, CETA (Comprehensive Employment and Training Act of 1978), is administered by the U.S. Department of Labor.

Relevant Training: Vocational and Technical Training

How to Contact: Look up "CETA" or "Employment and Training" under the city or county government listings in your phone book.

Comments: Since participants in CETA training programs must meet certain eligibility requirements, women who are referred should have a low (or no) income and be willing to share detailed information about their financial situation and other personal matters. The availability of CETA programs varies: different types of training are offered in different locations, and many rural areas have few programs. Because the quality of training also varies, each program should be investigated and evaluated on its own merits. Although the bureaucracy can be frustrating and time-consuming, hidden within the CETA system are some of the best training opportunities open to women today. Training is free, and it sometimes includes a small stipend.

Apprenticeship Programs

As described in Chapter Four, apprenticeship programs are administered locally on a trade-by-trade basis by labor-management committees called Joint Apprenticeship Committees (JAC's), or Joint Apprenticeship and Training Committees (JATC's).

Relevant Training: Training in hundreds of apprenticeable occupations (varies from state to state)

How to Contact:

1. For general information on apprenticeship, which trades are apprenticeable in your state and how to contact the JAC in a specific trade, call or write the Bureau of Apprenticeship and Training (BAT), listed in the phone book under "U.S. Government; Labor, Department of; Apprenticeship and Training." They have comprehensive information about apprenticeship programs in your area and how to contact them. Also check your yellow pages under "Apprenticeship Training Programs." Some programs may be listed; however, others may not. Therefore, for further information, call the BAT. Some states have agencies which deal specifically with apprenticeship. In California, for instance, the Division of Apprenticeship Standards has regional offices, consultants to answer your questions and valuable printed information.

2. To find out which selection process the JAC uses (hunting license or list), contact the JAC and ask, "What should I do if I want to be an apprentice?" Since some JAC's are not enthusiastic about women entering the trades, be wary of receiving misinformation or becoming confused by jargon and technical vocabulary. Keep asking and calling back until you understand exactly what is necessary to do.

3. If you have trouble locating or gaining information from any of these sources, ask local women's organizations or a trade instructor in a high school or community college for assistance.

Comments: Apprentice programs offer good economic benefits, including wages during training, graduated increases and the many advantages of union membership. Registered skills training may make it easier to find employment later. Applicants accepted into programs must pay union initiation fees and dues, as well as pay for tools and work clothes in most cases. Many JAC's hold highly competitive written tests and oral interviews as part of the application process. Programs require a commitment of two to four years full-time, on-the-job training plus related classroom instruction. In addition, applicants may have to wait long periods before being admitted to a program. Counselors doing referral should prepare women to encounter possible evasiveness or resistance in their dealings with JAC's. Encourage them to be persistent and assertive, and offer back-up support.

Private Industry Training

There are in general two kinds of training programs within private industry -- union and nonunion. Single-plant registered apprenticeship programs are outlined in the Orientation chapter. Nonunion programs vary widely and usually are oriented toward a particular company process or product.

There are three ways to gain access to skills training available in private industry:

1. Apply from within. If you are already working in a job, you can apply for in-house training positions that open up later.

2. Apply for entry-level training positions. A woman who chooses this route needs to be employable (i.e., have basic skills, a blue-collar background or be tremendously persuasive in interviews).

3. Create a training slot. Convince an employer to teach you the skills you need to perform a given job. Women who are CETA-eligible may be able to obtain OJT (on-the-job training) funds, which act as an incentive to the employer by partially subsidizing the cost of training.

Relevant Training: Machine and Repair Service
Installer (electric, telephone or other)
Plant Operation and Maintenance
Electronics
All other trades, including technical training not available elsewhere

How to Contact: Focus on large employers likely to train many people (utility companies, telephone company, major local industries).

1. Look in the yellow pages under the name of the trade or industry.

2. Call the company's personnel office for general information. Ask to talk to the foreman or supervisor of the specific department you are interested in (if you know). Otherwise, ask whether the company is hiring and whether you can come in for an interview and fill out an application. If they are not hiring, call back in

a week or two. Again, be persistent: do not let the personnel office screen you in advance.

3. For further information on employers, check with your local Chamber of Commerce, or consult the company's annual report in the public library.

Comments: Many employers train new employees in jobs that do not carry the "trainee" title. A woman may be able to learn skills as a "helper" or "laborer." Be sure to check the job description and not just the title.

Job Corps

Job Corps offers training sponsored jointly by the Federal Government and private industry for young people age twenty-two or younger. Most programs are residential, lasting from eight months to two years. Participants receive room, board, transportation to and from the Job Corps Center and a very small stipend.

Relevant Training: Various trades and skills (differing according to the geographic area and needs of the sponsoring industry)

How to Contact: Find "Job Corps" in the phone book under "U.S. Government; Labor, Department of; Employment and Training," or call Women in Community Service (WICS) for more information.

Comments: Although the training facilities and programs run by Job Corps are generally good, the centers may be nonsupportive places for women seeking to enter nontraditional occupations. Each

Center has housemothers and counselors on-site, and discipline can be tight. Participants receive a small percentage of their stipend while at the Center; money is taken out for tools, and the balance is handed over when they leave. Women who are underage must get their parents' permission to attend. Since not all sites offer the same training, a woman needs to do research in advance of choosing a Center. If she knows what trade she wants to enter and is willing to move away from home, a woman can choose her training program within the Job Corps system. Unless that program is recruiting, however, she may have to wait several months to a year to get in.

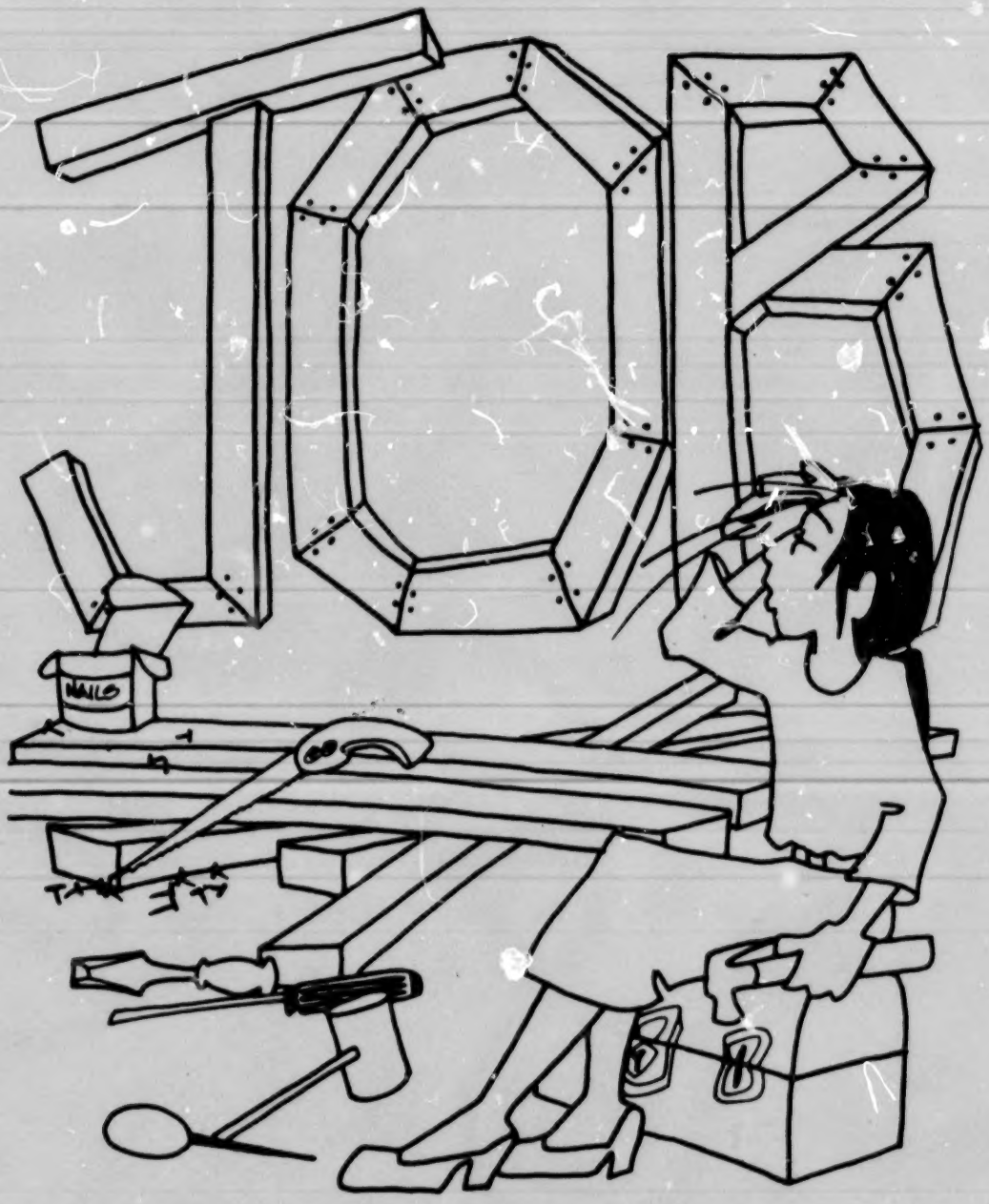
Armed Services and Coast Guard

The armed services and Coast Guard offer good technical training in areas such as computers, communications or machinist skills. Both have reserve programs that require a two-year minimum time commitment with various benefits after discharge. Applicants must meet certain physical requirements. If a woman interested in nontraditional work has already enlisted, she should take advantage of the opportunity to learn new skills. Advise women investigating the armed services as a possible source of training to do careful research in advance: the military may not be able to provide training or education promised during recruitment. Military personnel do not receive overtime pay and must be available for duty at all times. A woman may or may not be able to choose the type of training she receives. Training opportunities often depend on scores attained on tests taken shortly after enlistment. Specific test preparation is strongly recommended.

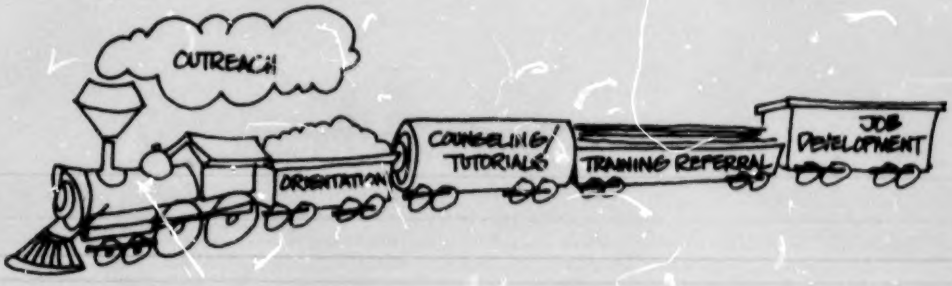
Other Sources of Training

Employers on the following list all provide some type of entry-level or in-house skills training. A few may sponsor apprenticeships. Although they are too numerous to discuss in detail here, you may want to investigate any which are major employers in your area. Locate them through your phone book or your local Chamber of Commerce.

State and Federal Civil Service
Fire Department
Police Department (city)
Sheriff's Department (county)
Highway Patrol (state)
Wastewater Treatment
Coal Mining
Public Transportation
Shipyards
Forestry
Solar Energy
Other employers in skilled blue-collar occupations



CHAPTER 7: JOB DEVELOPMENT



JOB DEVELOPMENT

What Is Job Development?

Job Development is one of three methods commonly used by individuals and agencies to place people in jobs. As the short descriptions below indicate, Job Development is generally the most effective approach for women seeking nontraditional employment:

1. **Job Search** is the title of workshops and programs which teach individuals to hunt for their own jobs without the aid of agency personnel. Although job search workshops have the potential to be organized specifically for women seeking to enter the trades, this is seldom the case. Advice offered during typical sessions on resumé-writing, how to dress or what to say in an interview can be entirely inappropriate for a woman seeking blue-collar work. Topics like application procedures for apprenticeship programs are not usually covered.

2. **Placement Services** are run through agencies which compile listings of job openings to which they refer clients. These agencies take a basically passive approach to placement, waiting for employers and clients to contact them and offering little advice on how to find or keep a job. Placement services tend to place more emphasis on filling available job slots

and getting people employed than on the needs and interests of particular clients.

3. **Job Development** combines the basic functions of job search programs and placement services with concern for both the individual client and the employer. Job developers assist individuals looking for a specific kind of work in finding potential employers; job developers also assist employers in filling their personnel needs. As a liaison between the client and the employer, the job developer takes an active role in locating or creating jobs, acting as an advocate and teaching clients job-finding skills appropriate for the occupations they want to enter. Given the limited number of professional job developers in contrast to the large numbers of women attempting to find blue-collar work, many women also act as job developers doing advocacy on their own behalf. Within the ABC System, a woman leaves the Job Development component after she is successfully placed in a job or becomes indentured as an apprentice.

Whether you work for an agency or have decided to take yourself as a client, your effectiveness as a job developer can be increased by incorporating the following qualities into your approach:

- **Perseverance.** Especially for women moving into nontraditional occupations, placements are achieved by refusing to give up in the face of rejections and indifference. Continue your efforts until your client finds the job she wants.

- **Assertiveness.** Be prepared to respond to objections and concerns raised by employers. Take a strong position on behalf of your client.

- **Creativity.** Look for job openings in unexpected places. Use your knowledge of an employer's needs to suggest restructuring jobs or creating new positions that would allow your client to be hired.

- **Concern for your clients.** Genuine concern becomes a source of support which helps a woman persevere during the job hunt. The more sensitive you are to her needs and interests, the more likely she will be to end up in the kind of job she wants.

Organizing and Conducting Job Development

Job Development is carried out in three continuous, overlapping phases:

1. Data Gathering

2. Establishing Relationships with Labor and Management

3. Application and Placement

Although this section offers hints for organizing and conducting each phase, there is only one "secret" to successful Job Development: perseverance. It's easy to get discouraged when you encounter resistance, hostility, indifference and people who refuse to take you seriously. Remember that the probability of women working in nontraditional jobs increases the more times you go back to an employer and the longer you keep up your search.

Data Gathering

Advice for conducting research on different blue-collar trades is included in the chapter on Orientation. Data on your clients can be gathered through informal discussions and assessment techniques described under Individual Counseling. All that remains is to familiarize yourself with the labor market and individual employers in your area. Here are some suggestions:

1. Compile lists of employers and apprenticeship programs. Many JAC's provide names of union contractors on request. The yellow pages, state employment service, trade papers and your local Chamber of Commerce are other good sources of information. Ask for leads from trade instructors in vocational education classes, Job Corps, community colleges and CETA training programs. If you work in an agency, keep a record of employers who contact you for information or referrals.

2. Get on the Federal contract trail. Attempt to locate employers with Federal contracts of $10,000 or more who are covered under affirmative action regulations. In addition to pre-award conferences and lists of Federal contractors available through the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, good places to look for these employers include public schools or public construction sites, such as: parks and recreational facilities, construction sites for government-subsidized low-cost housing, dams, sewage treatment plants and highway projects. Investigate contracts between the Federal Government and industry: manufacturers of electronic equipment, paper companies making toilet paper for the military, printers and other service

providers. Since large contracts usually involve large numbers of jobs, Federal contractors are well worth tracking down.

3. Compile detailed information on individual employers. Get to know the operation and management practices of each company you contact. Consult its annual report in the public library. Ask for an interview with someone from the personnel office. If applicable, go to one of the company's job sites and observe. Talk to friends, clients and co-workers who have dealt with the employer before. Look for answers to questions like:

   - What product(s) or service(s) does the company deliver?
   - What is the pay scale? Are benefits offered?
   - How are working conditions?
   - How many people does the company employ?
   - Are women employed in nontraditional jobs within the company?
   - Does the employer hold a Federal contract of over $10,000?
   - Do apprenticeships or entry-level training positions exist within the company?

- o Are opportunities available for advancement and upgrading of training?

- o What kind of interviewing and application process does the employer use?

4. Start a notebook, bulletin board or weekly circular listing current job openings and recruitment efforts.

Developing Relationships with Labor and Management

An employer or JAC member who knows you and the general quality of applicants you refer is more likely to turn to you for help when trying to fill a position or meet affirmative action goals. Jobs may be held open for one of your clients as new slots become vacant, or you may be told about other employers who are hiring. This person may take a special interest in the welfare of your clients after placement, allowing you to mediate if they have problems doing the work. But the only way to establish the kind of credibility that gives an employer or JAC member confidence in your judgment and respect for your program or agency is to build ongoing relationships with labor and management people in your area. Individual women will find that building these relationships helps establish the personal credibility necessary to convince employers to hire them.

1. Don't wait for employers and JAC's to come to you. Go to their meetings, conferences, banquets and job sites. If possible, get introductions from friends or relatives. Meet them for lunch. Get to know foremen as well as managers and office staff. Invite JAC's and employers to agency parties or open-houses. Be "on the scene" when complaints about affirmative action come up, and offer your services. Because an estimated ninety percent of jobs never appear on the open market, informal leads are the key to achieving placements.

2. Concentrate your own efforts on a select group of companies and apprenticeship programs. Individual job seekers should focus on JAC's in their chosen trade and "high-yield" employers who sponsor training programs or hire large numbers of people. Make sure every employer or JAC in your select group knows who you are, what you want and what you can do for them.

3. Identify labor and management people willing to cooperate with you. Not all employers and JAC members are opposed to the concept of women doing nontraditional work. Try to keep an open mind as you search for the ones who will give you advice, take an interest in your clients and help you locate job openings. Then listen to what the person has to say and be sensitive to the needs she/he expresses.

4. Go back instead of giving up. Don't be rebuffed by individual foremen or indifferent office staff. Refuse to take "no" for an answer. Return to job sites with articles or pictures of women doing blue-collar work. Contact employers regularly on the phone in order to establish when hiring cycles occur. Encourage clients to apply for new positions with the same company. Use humor to get your point across, but let it be known that you and your clients are in the trades to stay.

5. Follow up on referrals by contacting employers as well as clients. Find out whether the employer's needs are being met; if not, solicit feedback on how to improve your services. Referrals and hires that

don't work out benefit no one. On the other hand, successful placements lead to new placements.

Application and Placement

Before women begin applying for nontraditional jobs or admission to apprenticeship programs, they need to understand how hiring practices in the trades differ from those in white-collar occupations. First, there is no standard application process; applying for the trades may range from the series of exchanges with a JAC and employer required for hunting license apprenticeships, to passing a qualifying test and scoring well in an oral interview, as required by list apprenticeships. Secondly, the criteria used to evaluate blue-collar job applicants differ. When a company is hiring for a clerical position, it looks for different qualities in a potential employee than when it needs someone to operate a bulldozer. Know as much as you can about the job ahead of time so you will be able to be persuasive about your or your client's ability to learn or perform the job efficiently and effectively. Careful preparation before filling out applications and appearing for interviews increases a woman's chance of being hired. The following information on application procedures can be incorporated into small-group workshops or discussed informally during counseling sessions with a woman.

A. Applying for a Hunting License Apprenticeship

As the flow chart in the Appendix shows, the distinguishing feature of a hunting license apprenticeship is that after registering with the appropriate JAC a woman is required to go out on her own to job sites to solicit employment. In many cases her interview will be brief. First she must find the foreman on-site and get him to take an interest in her. She will need to prepare a two-to-three minute rundown of her paid and unpaid blue-collar work experience, vocational training, familiarity with the trade, willingness to work and ability to work on the construction "team." A relaxed presentation that is nevertheless assertive and loud enough to be heard over machinery or street

noise is probably most effective. Use ordinary language rather than unfamiliar jargon. The goal is to be taken seriously. To practice thinking on her feet, a woman should ask a male friend or relative to role-play the part of the foreman, using the objections listed in the "Famous Last Lines" section of this chapter and any other excuses he can think of for refusing to hire her, then give her feedback about her presentation. The object is to get the foreman to give her good information and, hopefully, hire her.

Because first impressions are important in any kind of hiring situation, a woman applying for a hunting license apprenticeship will also have to focus on her appearance. Ask your client to tell you in detail what she plans to wear the first time she visits a job site. If she is applying in a construction trade, she should look like a construction worker. Her outfit should include sturdy work clothes, work boots that have been broken in, little or no makeup and no dangling earrings. She should pull her hair back or out of her eyes, and perhaps hook a tape measure to her belt or stick old work gloves in her back pocket. Extra layers of clothing can give her bulk if she is of small build. All women have been trained in how to dress when applying for secretarial positions; teach your client to regard what she wears to a blue-collar job site as costuming for a different role.

Finally, explain to her the importance of body language. Have her practice walking, standing and handling her body in ways that suggest confidence, ease and expansiveness. Ask her whether she is comfortable shaking hands with men, and if she isn't, suggest that she practice that with male friends and relatives until she can do it with ease.

During the time a woman is looking for employment, she should keep a journal of all employers visited. For each site visit, she

should record whom she spoke with, the date and time, where the site was located and what was said. Contacts with JAC's, government agencies and her counselor or job developer should also be included.

B. **Applying for a List Apprenticeship**

The flow chart in the Appendix indicates the long periods of waiting that occur at various stages in the application process for a list apprenticeship. In this type of apprenticeship program, the JAC retains control of the selection and placement of applicants. Because many JAC's still oppose women entering the trades, a woman cannot afford to sit back and relax during these waiting periods. She and her counselor or job developer must constantly monitor her progress on the list.

In some cases women have been misinformed or denied information vital to the success of their applications, such as failing to receive notification of the test or being told to go to the wrong test center. Such problems may be avoided by familiarizing your client with the sequence of steps in the application process and advising her to double-check such details as filing deadlines and test and interview dates and locations. JAC's maintain mailing lists and do mail out apprenticeship information regularly. Get on the JAC's regular mailing list so you can pass information along to your clients. In order to monitor the application process after she takes the test, a woman can contact the JAC to find out how many people are on the list, what number she is, whether other women are included on the list, and how many apprenticeship slots the JAC expects to open up in the near future. She can check periodically to ensure that she moves up in proper sequence. As a further check, if she has a male friend who is on the list, she can compare her progress with his as they both go through the process.

If for some reason her test results have been dropped, i.e., she doesn't show up as passing or failing, ask the JAC for an explanation. If the JAC claims to have no record of your client's taking the exam and you suspect discrimination, contact your state apprenticeship council or the Bureau of Apprenticeship and Training for assistance. Remember to document all events, phone conversations and written communication.

When she reaches the oral interview stage, a woman applying for a list apprenticeship program will need to prepare herself for a different kind of situation than a woman with a hunting license who goes directly to employers. She will be speaking instead to a panel of JAC members, none of whom are professional interviewers. Use your contacts to inquire about the questions and interviewing style favored by a particular JAC. Remind your client that the interviews are normally quite short, ten to fifteen minutes, so she should practice getting her points across concisely. Then have your client practice answering questions in a way that will:

- Communicate information about her background and herself. A woman should decide in advance what skills, experiences and personal qualities she wants to highlight during the interview. Suggest that she mention any preparation she is currently engaged in such as vocational classes or physical fitness training. She might also mention sports teams she has played on and any blue-collar work experience she has had which demonstrates her ability to handle the rigors of the trade.

- Stress her dedication to her trade. Because the cost of training an apprentice is high in terms of both money and volunteer time, JAC members want to

select people who will complete the program and go on to produce good work as journeyworkers, active in the trade. Wanting to be a plumber, for example, should receive more emphasis than a job choice would in a white-collar interview. A few questions addressed to the panel will also demonstrate the sincerity of the applicant's interest.

Since the interview for a list apprenticeship does not take place on a job site, the applicant's dress requirements differ from those described for hunting license apprenticeships. Rather than work clothes, a conservative, tailored shirt, dark pants and sensible shoes with low heels are appropriate. Advise your client not to carry a purse, to keep her hair out of her eyes and to wear little makeup or jewelry.

During the interview process she should walk in confidently, then sit quietly without crossing her hands or feet. Ladylike poses are associated with delicateness, shyness and needing to be protected. Remind her to avoid giggling and to speak in a loud voice that falls rather than rises at the end of sentences. Describe the setting to your client so that she can visualize the waiting room of applicants and the panel that will greet her after her name is called. Reassure her that although nervousness is natural, she can take command of the interview by knowing what to expect, preparing carefully and working to get her points across.

C. Applying for a Single-Plant Apprenticeship

When a woman decides to become indentured in a shop apprenticeship program or to work her way up within a single plant, her first step is to find an employer with apprenticeship-style training programs willing to hire her. If she applies through a

personnel office, her approach to the job interview should resemble the one described for list apprenticeships; if she will be speaking to a foreman without advance appointment, the approach should be closer to that used for the hunting license process. Encourage her to use the interview to find out how many apprenticeship slots exist within the plant, when they are due to open up, whether employees with seniority are likely to bid for those positions and what other opportunities for training and advancement are available.

Despite careful preparation, women sometimes find themselves traveling back and forth from JAC office to employer, at the point of being placed but wondering what to do next. The scenario runs as follows: An employer tells a woman he would like to hire her but requires a dispatch order from the union first. When she goes to the JAC, however, she is told she cannot be dispatched until already hired into a job. This kind of situation can arise either out of genuine confusion or a desire to keep women out of the trade on the part of the employer or JAC. In such a case, try to get the two parties to communicate with one another. Explain that since you know neither the employer nor the JAC would intentionally deny her an opportunity or violate antidiscrimination laws, they should have no objection to clarifying the misunderstanding through a conference or phone conversation. If they refuse to cooperate, contact the Bureau of Apprenticeship and Training or the Office of Federal Contract Compliance Programs (OFCCP) for assistance. Remember to document all exchanges as they occur; a record becomes valuable evidence in the event of a lawsuit or an appeal to government agencies.

D. **Relevant Related Work**

If a woman desires to improve her blue-collar background or finds herself waiting for a list apprenticeship to open, she may consider looking for relevant related work. Depending upon what jobs are available, this could mean anything from sweeping up in a warehouse to becoming a clerk in an auto parts store. Advise her to get as close as she can to the trade of her choice, preferably in a position where she can learn new information, language, tools and skills.

Supportive Services

Several kinds of material support may be required by women during the process of Job Development and shortly after placement. A conscientious job developer should be able to help the client locate child care services, funds to cover transportation costs and a loan or stipend to help her pay for work clothes, tools and union fees and dues. Be prepared with referrals to meet these and other common needs.

In addition, all women attempting to break into nontraditional trades require emotional support throughout the process of becoming employed and after they get a job. Agencies can facilitate the formation of support groups specifically for women actively seeking jobs, and provide space for these groups to meet. Attach a card to your agency's registration form asking, "Are you presently looking for work in a blue-collar occupation? Would you like to be put in touch with other women looking for nontraditional jobs? With women already active in the trades?" Then provide clients with the contacts they request. Try organizing a telephone tree of numbers for women to call when they feel discouraged about the prospects of finding a job. Plan one-time events like picnics, parties or potlucks to raise morale and remind women that they are not alone. Finally, take responsibility for introducing the subject of emotional support to clients. Let them know that anger, impatience and discouragement are feelings most women experience during their search for a job.

The Role of Advocacy

The term advocacy simply means persuading people to change their attitudes and behavior in a certain direction. Within the ABC System the job developer works with two kinds of advocacy: advocacy of the client as a candidate for a blue-collar job, and advocacy of the concept of women doing nontraditional work. The two obviously go hand-in-hand, since an employer who disagrees with the concept will be unwilling to consider a woman's qualifications as a potential employee.

Promoting the Client

The classic approach to Job Development has been to train agency staff in sales techniques, encouraging them to market a client to employers like any other product. But people are not products; without taking human factors into consideration, like the client's background and interests, the job developer will not arrive at successful placements that leave both client and employer satisfied. Advocacy does not attempt to convince an employer to hire someone unqualified for the job or persuade a woman to accept a position she does not want. During advocacy the job developer presents a positive but realistic picture of the client and goes on to explore how qualities and skills the client possesses could be of value to the employer.

To be effective, therefore, advocacy of a client must rest on careful research done in advance. Be sure that you:

- **Know the client.** What are her strengths and weaknesses? What about her interests, needs, abilities, skills and experience? Recommending the right person for a job opening can save you time and trouble later.

- **Know the employer or JAC.** To refer clients who will satisfy the employer's needs, you have to understand those needs. What kind of a company or

apprenticeship program do they operate? What qualities do they look for in an applicant? What economic factors are having an impact on the industry and the company?

- **Know the job.** A general familiarity with the trade a woman plans to enter is not really enough. Know the specific job, the nature of the work, the environment, the normal entry-level requirements, the physical demands and the aptitudes necessary to perform the job successfully. Demonstration of this kind of knowledge increases the employer's confidence in your judgment and makes it more likely that you can advocate effectively about your client's ability to learn or perform the work.

Advocating the Concept

A job developer acts as an advocate of the concept of women doing nontraditional work simply by helping a woman find a job in the trades. Nevertheless, in situations where you encounter either complete indifference or strong objections, you may have to advocate the concept more explicitly.

A. Responding to Lack of Concern

Indifference and apathy keep women out of the trades by ignoring their special needs, denying the importance of affirmative action and preventing agency job developers from working effectively on their behalf. How can you help raise the level of concern in your agency and community?

- Staff meetings and in-house training can become forums for advocacy. Invite women active in the trades and operators of advocacy programs to speak.

Or design your own presentation, using information gained through your own research, contacts and experiences. Try to get on committees that set the agenda and develop curricula for meetings and training courses.

- Post on bulletin boards media articles and photographs of women doing skilled blue-collar work.

- If you are having difficulty reaching a particular staff member or level of management in your agency, try circulating a for-your-information memo to the individual(s) concerned. Sending copies of any relevant supportive information is appropriate.

- Make speakers available to contractors' associations and JAC's in your area. Appear on radio and television talk shows and public service announcements. Try to interest the local media in doing feature stories about women in the trades or on your program and its services.

- Design a flyer aimed at employers which explains incentives for hiring women, relevant legislation, tips for recruiting women and services offered by your agency.

- Conduct a survey to get data on how well women who might be interested in nontraditional employment are being served by your school or agency. How many women are being referred each month to nontraditional job or training opportunities? What does your agency do when women request placement in a blue-collar trade, apprenticeship or other training program?

The survey can be informal and qualitative, based on discussions with clients and co-workers. Present the results in a staff meeting or circulate copies to supervisors and staff together with concrete suggestions for improving services.

B. Responding to Objections

The number of objections commonly raised to the idea of women doing nontraditional work is somewhat limited. You can prepare yourself to meet them by using the list of objections on the following pages to rehearse your responses, or practice with a friend. Remember that the person raising objections could be anyone: a woman or a man, an employer, a counselor in your school or agency, your supervisor, a friend or relative, a JAC member or a course instructor. Try to reason with people and make them think. Don't lose your temper. Although controlled anger can sometimes be an appropriate response, most objections are better met with humor or hard facts. Become aware of your affective or emotional tone: Do you sound hostile? badgering? reasonable? persuasive? confident?

Famous Last Lines

Below are some typical reasons given by employers for refusing to hire women into nontraditional jobs, along with sample responses intended to expose stereotypes and address concerns underlying these objections. The fact that similar comments are still heard in many sectors of our society only points out the continuing need to advocate the concept of women doing skilled blue-collar work. Feel free to add responses to each section as they occur to you.

"Women can't do the work."

- How do you know that?
- Have you ever tried a woman on the job? How many?
- What can't they do? Be specific.
- Remember Rosie the Riveter? Thousands of women did that job during World War II.
- Don't you get men you need to train?
- What amount of time would she be doing that particular job task?
- Did you know there are (X number of) women doing that job in (X location)?
- Our office has placed (X number of) women in that job. Would you like to call (Employer Z) to find out how she/they are doing?
- Emphasize the ability of the applicant and the dependability of your agency.

"Men won't work with women around."

- Is this your opinion or the opinion of your men?

- How do you know men won't work with women around?

- How many times has this actually happened? Tell me about it.

- It sounds as though you're protecting your men . . . from what?

"Women are not dependable."

- What makes you think that? Why do you feel that way?

- Are you saying all women are not dependable? Even your own mother?

- Are all of your men dependable?

- How many women do you have working for you?

- Isn't dependability an individual matter?

- The woman I have in mind is an individual with a good record and excellent references.

"Women don't have physical ability."

- Have you ever tried a woman at this job?

- Rosie the Riveters did this kind of work with great success during World War II.

- Don't you think physical ability varies with the individual?

- We nave successfully placed many women in jobs like this. They aren't having any trouble handling the work.

- This woman has already passed physical ability tests. (Describe.)

- This woman has stamina; she participates in (name a sport).

- This woman may take a while to gear up to the physical requirements of the job, but haven't you hired men who have had to do the same?

"Women can't handle swearing."

- We have prepared this woman to expect that.

- Have you tried a woman?

- Men may tone down if a woman is around, and that could benefit everyone.

- Many men don't like swearing either.

- Women will swear less and work more.

"My wife won't let me hire a woman."

- What is her objection?

- How do you feel about it?

- Will that stop you from hiring a good employee?

- Perhaps your wife could meet the applicant or be present on the first day of work.

- Could I speak with your wife?

- Your wife may not be aware, as you are, of employment discrimination laws.

"But she's a girl!"
"Women belong in the home."

- Ignore the comment, and emphasize the applicant's positive qualities and experience.

- She's a worker, and she has to earn her living just like the rest of us.

- Do women belong in the home if it means they have to be welfare recipients?

- Are you aware of targeted job tax credits and other incentives for hiring women?

- Hiring a woman will help you avoid charges of employment discrimination.

- She may belong in the home, but this woman has to support her family.

"Women have children, and then quit."

- Did you know statistics show that more and more women return to work after a brief pregnancy leave?

- Family responsibilities often make a worker steadier and more reliable.

- Concentrate on the applicant's positive qualities.

"We had one once and she didn't work out."

- Try again.

- Haven't you ever had a man who didn't work out? Did that make you decide to exclude men from your work force?

- Mention Federal laws and regulations which set affirmative action goals for employing women.

- Discuss testing and screening procedures used at your agency to ensure that women you refer do work out.

- Give examples of successful placements.

"We don't have bathroom facilities for women."

- Put a lock on the inside.

- Is there a chance of getting another portable toilet?

- Is there a facility nearby, such as a gas station or restaurant?

- Do you have a men's room? You can make it coed by putting up a sign that says "Men" on one side and "Women" on the other. This solution has worked well at other job sites.

- The applicant won't mind sharing. Like you, she does it all the time at home.

- How many people use it at a time?

- What about airplanes and buses?

"We never had a woman before."

- Why not?

- Have you tried to recruit women? What did you do? (Give feedback on the adequacy of the employer's outreach efforts.)

- There's a first time for everything.

- Now's your chance!

- If the employer expresses doubts, emphasize the thoroughness of your agency's screening process.

- Stress the applicant's qualifications, experience and ability to do the job.

- If she doesn't work out, I'll owe you one.

- Try it. You might like it!

Job Development and the Law

A basic knowledge of current laws and regulations related to employment of women is one of the job developer's most valuable tools. There are times when engaging in litigation or filing a complaint with the appropriate government agency may be your only recourse in dealing with an uncooperative employer or JAC. Keep in mind, however, that Federal agencies are often understaffed and slow to move, while court cases in this area are complex and expensive, requiring competent legal advice and usually several years to litigate.

Using your knowledge of the law in personal contacts will generally prove more effective than proceeding through formal legal channels. Remind employers and JAC's of antidiscrimination provisions, affirmative action goals to which they are committed and their obligation to behave in a legal fashion. In addition, do not discount the role that attorneys knowledgeable about sex discrimination law or government enforcement agencies can play as mediators working informally with unions and management.

What Do the Laws Say?

Federal laws and regulations concerning employment have contributed significantly to the growth in the number of women actively pursuing skilled blue-collar occupations. Inquiries about supportive legislation at the state level should be directed to your state apprenticeship council or to the Bureau of Apprenticeship and Training.

1. Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment based on sex (as well as race, color, religion or national origin). The general terms in which this provision of the law is phrased give it wide applicability, but at the same time make it difficult to enforce. Nevertheless, because the principle of equal opportunity in employment has become widely accepted, it can be used effectively

during negotiation and mediation. The Federal agency charged with enforcement of Title VII is the Equal Employment Opportunity Commission (EEOC). Guidelines issues by the EEOC forbid dividing job listings into columns for women and men and other practices based on sex-stereotyping. Also covered under the guidelines are wages, benefits, transfers, promotions and opportunities for training. For further information about the Civil Rights Act, contact the Women's Bureau of the U.S. Department of Labor or the EEOC.

2. Executive Order 11246, as amended, prohibits Federal contractors and subcontractors with contracts over $10,000 from discriminating on the basis of sex, race, color, religion or national origin. According to regulations issued by the Office of Federal Contract Compliance Programs (OFCCP) which enforces the Order, contractors with over fifty employees are required to set affirmative action goals and timetables for hiring more women and minorities.

   The new Part 41 of CFR 60-4 specifies goals and timetables for hiring women in all of the contractors' facilities, whether or not those facilities are related to the federal contract. Contact the OFCCP, a department of the U.S. Department of Labor, for more information. (A copy of the regulations is in the Appendix.)

3. Equal Employment Opportunity in Construction Regulations, issued by the OFCCP in 1978, set specific yearly goals for employment of women and minorities as a percentage of the work force of large Federal contractors and subcontractors. The regulations also

mandate other affirmative action steps to open on-the-job training opportunities, minimize harassment and improve recruitment of women and minorities. Relevant regulations are found in 29 CFR Part 30 and 29 CFR Part 1604. (See Appendix for complete texts.)

4. Equal Employment Opportunity in Apprenticeship Regulations, issued by the Secretary of Labor in 1978, require JAC's and other apprenticeship program sponsors to adopt written affirmative action plans that include a goal of admitting to each apprenticeship class not less than fifty percent of the total number of women employed locally. Since women compose approximately forty percent of the labor force in most areas, there should be approximately twenty percent women in each new apprenticeship class. Goals based on actual participation of women in the apprenticeship program must be set for each year after entry level. For more information, contact the State Apprenticeship Council, if possible, or the Bureau of Apprenticeship and Training.

In addition to these major Federal laws and regulations, several states have prohibited establishing upper-age limits which function as artificial barriers to keep older women out of apprenticeship. In response to petitions from women's advocacy groups, the U.S. Department of Labor has stated its intention to remove upper-age restrictions nationwide. Until the Department of Labor takes action, you can find out whether these limits apply in your state by contacting the Bureau of Apprenticeship and Training.

Special Applications of the Laws and Regulations

Pre-Award Conferences

In some areas of the country, notably in California, contractors who wish to be awarded Federal contracts must appear at pre-award conferences to discuss the terms and conditions of the contract. One of the contractor's obligations is to write and implement an affirmative action plan, including specific goals and timetables for women and minorities. Since these meetings are open to the public, you can attend and leave your name or card with employers who will be obliged to find and hire qualified women. Especially in metropolitan areas, these meetings are good places for the job developer to narrow down the field of potential employers to those with a large work force or high turnover rate. To receive notification of meeting dates and locations, contact the OFCCP for information on how to get on the bidder's list in your area.

Regulatory and Enforcement Agencies

Government regulatory and enforcement agencies are often willing to engage in informal mediation and advocacy in cases of serious or persistent sex bias or discrimination. As a job developer it is to your advantage to build cooperative relationships with sympathetic individuals in those agencies working in the field of employment and training.

The OFCCP and EEOC both accept complaints against employers suspected of violating laws or regulations under their respective jurisdictions. Requests for compliance reviews of large Federal contractors (see below) are also handled by the OFCCP. In recent years the Bureau of Apprenticeship and Training (BAT) has actively supported opening the trades to women. The BAT distributes publicity on the subject, keeps its staff informed about regulations pertaining to women in apprenticeship and works with JAC's having difficulty meeting affirmative action goals. By contacting the BAT you can also find out whether your state has a State Apprenticeship Council (SAC) with its own office and staff who could offer you additional assistance.

Federal Contract Compliance

Contract compliance, which is carried out by the OFCCP, involves monitoring some Federal contractors who have set forth goals and timetables in their affirmative action plans. The OFCCP office in your area can be located by contacting the U.S. Department of Labor or the Women's Bureau office in your region. If you are an agency job developer or program operator, get to know your OFCCP contract compliance officer. Work closely with her/him, pointing out contractors that you suspect are not in compliance and requesting compliance reviews in cases of flagrant violations. Experience has shown that when you have established a working relationship with the contract compliance officer, you may be asked to work with particular contractors to assist them in meeting their hiring goals. Remember to document all contacts with employers and information you receive concerning their operations. Another approach is to ask the OFCCP to notify you of the compliance review schedule in advance. Then visit employers before, during and after reviews to let them know you represent qualified women who could help them meet affirmative action goals.

Multiple Apprenticeship Lists

In 1979, the U.S. Office of the Solicitor General issued an opinion affirming the legality of establishing dual lists (one for women, one for men) in apprenticeship programs using the list method in order to select apprentices "in a ratio which would assure that the goal for women is achieved." (For full text, see Appendix.) Separate lists are also often kept by JAC's to facilitate admission of minority applicants. Since the use of multiple lists is left to the discretion of an apprenticeship program's sponsor, you can play a part in persuading JAC's to adopt this option. Suggest keeping multiple lists as an alternative strategy for meeting affirmative action goals. Offer to supply JAC members with copies of the Solicitor's opinion.

CHAPTER 8: FOLLOW-UP

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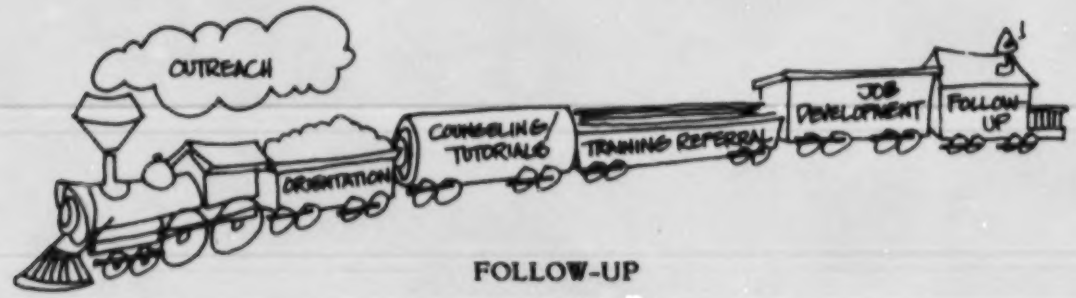

FOLLOW-UP

What Is Follow-Up?

Follow-Up is a two-part task that includes both:

1. Finding out what happens to a woman after she leaves your office, and

2. Taking action based on the information you uncover to offer her further assistance and improve your agency's operations.

The principle of Follow-Up therefore applies after each component in the ABC System, regardless of the particular training or services your program or agency provides. Effective Follow-Up ensures that the portion of the system you operate is accessible to women and works smoothly to benefit those who choose to participate.

Why Bother?

What makes follow-up activities so important and how can they contribute to the overall success of your efforts to open up nontraditional occupational opportunities to women?

1. Follow-Up is often required by laws, regulations or contract provisions under which a program or agency operates. Unfortunately, the type of Follow-Up requested is generally limited to the tracking method

(see below) and weighted toward gathering quantitative data for program monitoring and evaluation purposes. As a result, qualitative aspects of a client's experience often are neglected, such as what she thinks and feels about participation in a program; why she made a decision to stay in or drop out; what her needs are at the time contact is made. On the other hand, mandated Follow-Up can be adapted or expanded to ask precisely these questions and coordinated with other Follow-Up activities in order to utilize the information collected.

2. Follow-Up lends continuity and support to women's efforts to become active in the trades. The purpose of the ABC System is to give a woman the information and support she needs not only to get into a trade, but to go on to be successful in the occupation of her choice. Advocacy, therefore, does not stop when a woman leaves your portion of the system or enters a blue-collar job or training program. After placement she will require resources, advice and encouragement to meet new problems and unknowns that confront her on the job. Her need for your continued assistance will be especially great in areas where other service providers are nonsupportive or components of the system are missing.

3. Follow-Up provides feedback on the program or services you offer. Feedback in turn allows you to:

   - Determine whether you are reaching target groups and meeting program goals. What impact are you really having?

- o Improve program planning, delivery and evaluation. Identifying needs and problem areas gives you a basis for making changes.

- o Gather information for future referrals. What is the quality of a given training program? Which employers and JAC's are giving your clients trouble? Who is the best contact person at Company X?

- o Achieve personal satisfaction as you and your co-workers see the results of your efforts on behalf of clients.

4. Follow-Up enhances your credibility in the eyes of clients, labor and management. Unless they feel the support you offer is genuine, consistent and sensitive to their needs, women will be discouraged from entering nontraditional occupations or recommending your services to friends. Employers and JAC's are also more likely to cooperate if they know you take responsibility for women who don't work out as well as those who do. Employers may enlist your aid if problems arise after a woman is hired in an attempt to save her job before firing her. In the sense that your credibility and the quality of the work you do reflects on the credibility of the entire enterprise of eliminating occupational sex-stereotyping, Follow-Up is a logical extension of your role as an advocate of the concept of women doing nontraditional work.

Methods for Organizing and Conducting Follow-Up

There are many alternative methods for conducting Follow-Up; limitations of fund and staff time probably will affect the method you choose. What is important is not how extensive your Follow-Up program is, but the fact that you make some effort of quality within these limitations. You may have to set priorities when doing Follow-Up, giving more attention to women who have been in the ABC System longer or women in target groups you are recruiting. In any case, avoid the tendency to conduct Follow-Up as an afterthought by setting time and funds aside and planning your activities in advance.

Before selecting any of the methods described below, ask yourself:

- Why are we choosing this approach?
- What do we hope to accomplish or find out?
- Do we have the resources to carry it out?
- What do we plan to do with what we learn from this Follow-Up?

Tracking

All tracking activities have two objectives: making contact with and gathering information from women who have used your agency's services. Beyond these objectives, tracking will vary in terms of the particular segment of women contacted, the information sought and how collected data is used. When poorly designed, tracking activities quickly degenerate into exercises in compiling statistics and accumulating papers. But at their best, they offer a rare opportunity for gaining insight into your clients' views of the services you provide.

Although tracking need not follow a set format, you will probably want to cover the following major points once contact is established:

1. Client's name and date of contact.

2. Is the woman a member of a target group? Which one?

3. Which of your agency's services has she used?

4. Which service did she use in her last contact with your agency, and what was the outcome?

5. Does she intend to go on with her plans to enter a trade or remain active if already placed?

6. If not, what is her reason for dropping out?

7. If she intends to remain in the ABC System, does she know what to do next? Is she encountering problems? Does she want assistance?

8. Can she suggest ways you could improve your services?

Add to this list questions related to specific program goals as well as special information you want to convey to the client.

Tracking should be conducted at regular intervals after placement and to check on the outcome of referrals. Also make an effort to contact a client if you don't hear from her within a certain period. Another appropriate time to reestablish contact is when new training or employment opportunities arise.

Basic Tracking Methods

The three methods below illustrate the minimum effort required to constitute adequate Follow-Up.

- Contact the client by telephone. If no one answers, call back several times on separate occasions, preferably after working hours.

- Send a letter or questionnaire. Keep it short, especially if you suspect her motivation to respond will be low because she has decided to drop out of the ABC System. Always include a stamped, self-addressed return envelope. Use a letter as a back-up method if a woman has moved or her phone is disconnected.

- Encourage call-backs from clients. This method should be used in combination with the two described above. Call-backs save you time and center the Follow-Up process around the client's needs and rate of progress through the system. If you are an individual woman, take responsibility for keeping in touch with counselors and other service providers.

Other Tracking Methods

- Visit the client personally at her home, training or job site. If necessary, you can hand-carry information or materials. Although this method is not generally time-efficient, it can be useful when troubleshooting or if all other attempts to establish contact fail.

- Use a client referral card system to follow up on whether or not women go to referrals. The client carries stamped postcards, addressed to your agency, and requests each employer, JAC or service provider she contacts to return one.

- Use an employer referral card system to follow up on the outcome of referrals. Ask each employer or training program operator your client contacts to complete a stamped postcard addressed to your agency which asks, "Did client apply? Was she screened or tested? Did she qualify? Was she hired or admitted?" One drawback of this method is that the card tends to get lost before a definite decision is reached about whether or not to hire the client.

- Call the employer after a woman is placed to find out how she is doing in her new job. Asking the employer to evaluate her job performance not only allows you to offer assistance if problems are developing, but also protects your client. In one case, a woman fired on grounds of incompetence sued her former employer and used the excellent follow-up report he gave to her counselor as evidence supporting her competence.

Positive Support

The movement of women into skilled blue-collar occupations is still in its pioneering stages in the United States, and the women who are those pioneers are likely to feel particularly isolated in a predominantly male and generally nonsupportive working environment. A woman needs to know that there is someone who cares about her success or failure to whom she can turn with problems and questions. After placement, the nature of the challenges a woman faces may change but her need for positive support continues.

- Encourage clients to contact you for additional information, job leads, referrals and advice.

- Serve as a catalyst for forming support groups. If enough women are interested, groups can be organized by trade, occupational cluster, target group or stage in the ABC System. Support groups can also function as forums for sharing information, developing strategies, solving problems and offering encouragement to other women.

- Host picnics, brunches, potlucks, brown-bag lunches, parties and open houses for past and present clients.

- Hold workshops to discuss common problems: "Dealing with Sexual Harassment" or "Health and Safety on the Job."

- Assign a woman a "buddy" for mutual support when she registers with your agency. If her buddy drops out at some point, offer to reassign her.

- Put clients in touch with more experienced women (or men) already active in the trades. Develop a list of women who are already in the trades, who are willing to serve as role models by leading workshops, making public appearances or talking to women individually.

- Send newsletters, recruitment cards and job and agency announcements to women for as long as possible after they register with your agency or program. Some women take years to work their way through the ABC System; others may decide to pursue their interest in blue-collar work at a later date.

- Give women a realistic idea of what to expect after placement. Briefly review the major problem areas discussed below with clients before they start work.

- Counsel women not to give up before talking over their intention to quit a job or drop out of the system. If you are an individual woman in an area without advocacy programs, find a counselor, co-worker, tradeswoman, family member, friend or someone else you know who will be supportive. Be aware that the first few weeks in a job or training program will be the hardest. Sometimes it helps to wait and give a problem time to work itself out. Remember that thousands of women active in the trades today have successfully faced similar challenges. Many of them are fighting to eliminate sex bias and discrimination in the work place.

Problem-Solving and Troubleshooting

Another way to offer clients support after placement is to be ready with timely assistance whenever problems occur. Many of the barriers women in the trades encounter are institutionalized, grounded in the sexism and inequities found in society as a whole. Nevertheless, some problems do have solutions, especially when considered individually. If a client is experiencing difficulties in any of the areas below, let her know that a certain amount of trouble or harassment on the job is not uncommon. Then work together toward resolving the situation at hand, remembering to document the history of the problem along with whatever action you take.

Common Problem Areas

A. Sexual Harassment

Sexual harassment can be fought on many levels in many different ways, depending upon the seriousness of the harassment and the context in which it occurs. Some women choose to ignore minor incidents, especially during the first few weeks. Another approach is to react with sarcasm or humor, which often has the effect of educating male co-workers about sexism rather than drawing lines for battle. Some women favor responding to sexual harassment in kind on the grounds that "anyone who can dish it up should be able to take it." Under the new Equal Employment Opportunity Commission guidelines on sexual harassment (see Appendix for text), a woman also has the right to insist that her employer take measures to prevent incidents and act quickly on complaints. If the employer fails to take action, she can file an official complaint with the EEOC. Sexual advances or serious physical threats from co-workers or supervisors should be reported to management and the JAC Coordinator if a woman is in an apprenticeship program. As a last resort, a woman can request a new work partner or transfer to another crew or department.

B. Job Performance

A woman who starts working in one of the more physical nontraditional occupations should expect to be exhausted the first three to six weeks on her new job. This is a natural response to the unaccustomed physical exertion and the stress of an unfamiliar situation. In order to give herself time to adjust, she should not undertake other major efforts during this period like moving or taking a second job. Single parents may

want to arrange for friends or family members to help with child care and household chores.

During this period a woman should also be prepared to be the center of attention on her work site. Attention may come in a variety of forms: stares, offers of help, supervisors looking over her shoulder, or even avoidance by male co-workers. Rather than feeling discouraged or incompetent, or letting herself be treated as a "little lady" who needs help doing job tasks, she should concentrate on doing her full share of the work. By demonstrating that she can "pull her weight," a woman earns the respect of co-workers, learns her trade and makes it difficult for management to charge her with unsatisfactory job performance. On the other hand, a woman should not undertake difficult tasks or do extra work simply to prove herself. Her best guide will be to emulate the level of effort displayed by her co-workers.

If a client is having trouble doing the work or her employer is not satisfied with her job performance, offer to arrange a problem-solving conference. Invite her supervisor, employer, JAC coordinator and representatives of any outside agencies that might be of assistance, such as the Bureau of Apprenticeship and Training or the Equal Employment Opportunity Commission. If a client is about to be fired or dropped from a training program, try to be involved in her exit interview. This will offer support to your client, possibly save her job, or at least her employment record, and reaffirm your credibility in the eyes of the employer or JAC.

A woman who has been fired and believes she has been discriminated against can file a grievance with her union, appeal to the National Labor Relations Board (NRLB) if the union does

not give her satisfaction, file a complaint with the EEOC, or consider a private lawsuit against the employer.

C. **"I'm Not Learning Anything."**

Explain to clients that most important technical and safety information is passed along informally from more experienced workers to new hires. If co-workers refuse to instruct her directly, a woman can learn by watching, listening and looking over the shoulders of her co-workers and continuing to ask questions. Emphasize that learning will come through her own efforts and that she may have to fight to get access to work. Rather than waiting for knowledge and new skills to be handed to her, she must ask the questions, insist on doing her work, experiment with tools and machines and find someone on the work site willing to teach her. This may or may not be the person assigned to train her.

Clients should also be aware that poor treatment on the job may be related as much to their status or level of seniority as to the fact that they are women. Because apprentices and workers in entry-level positions are generally considered the lowest of the low, it is not unusual for them to be assigned menial, unskilled and even pointless tasks at first. Traditionally, the first months or years of an apprenticeship program are a proving ground where all apprentices must demonstrate their commitment to the trade in order to "earn" their right to learn basic skills.

D. **Health and Safety**

Health and safety issues are involved in general working conditions, maintenance and operation of equipment and job requirements. A woman can find out about legal provisions intended

to ensure a safe working environment by contacting the Occupational Safety and Health Administration (OSHA) and checking her union contract for additional stipulations. Her union contract may also include restrictions on the tasks workers in a given job classification can be asked to perform. Complaints about violations can be handled through OSHA or the union grievance procedure.

In general, however, a woman can avoid placing herself in danger by learning the proper operation of equipment, asking questions until safe procedures are clear to her, imitating skilled co-workers and trusting her instincts to discriminate between challenging versus truly unsafe conditions. She should not be afraid to stand up for herself, becoming tough or aggressive if necessary, in life-threatening situations. In no case should a worker be asked to sabotage equipment, perform hazardous or prohibited tasks or endanger the life of another. Cases in which a woman suspects she is being endangered by the directions of a supervisor or co-worker are serious and should be reported immediately to management and the union. If the situation persists and mediation does not help, advise your client to consider requesting a transfer.

Utilizing Feedback

Every program operator and service provider receives feedback from every contact with clients, the public and other organizations in the ABC System. During Follow-Up the feedback you receive will be especially concentrated, due to the "as-needed" basis on which many supportive services are offered and the amount of data regularly collected through tracking activities. Unless you make a deliberate effort to utilize this feedback, however, it will be of little use for upgrading services to make them more responsive to the needs of future clients.

Rather than considering a tracking and reporting activity complete once a report is filed, establish the practice of drawing conclusions from data collected and channeling what you discover toward making improvements. Assign a staff member to "follow up on Follow-Up" by using collected data to determine whether you are meeting program goals and to identify recurring problems or unmet needs.

In order to systematize random feedback ask each staff member to start a log of suggestions and complaints. Then allocate one staff meeting per month to discuss feedback results, or include self-evaluation as a regular part of your meeting agenda. Hold in-house brainstorming sessions to generate ideas and strategies for making changes based on the problems you have identified. Be sure someone takes responsibility for developing a plan, securing approval, if necessary, and overseeing the implementation of each proposed change. Have the group reconvene to evaluate the effectiveness of whatever changes are implemented.

To pool feedback from a wider range of sources, your organization could host multiagency brainstorming sessions, brown-bag lunch strategy meetings, or conferences and workshops for staff members of groups working within the ABC System in your area. Seek funding for studies on topics for which feedback has not yet been systematically collected and analyzed, for example, a study of rates and reasons for attrition of women after placement in blue-collar jobs. Establish or join a regional network to share information and coordinate your activities with those of other similar groups. The regional network in turn could sponsor regular meetings, publish a newsletter and create a resource library and clearinghouse.

If some of the suggestions above seem beyond the present capabilities of your agency or organization, concentrate on the Follow-Up activities which are within the capabilities of your agency. Once you begin to translate support for women doing nontraditional work into concrete actions that facilitate their participation in the trades, you are on your way to becoming an effective advocate within the Apprenticeship and Blue-Collar System.

CONCLUSION

Since 1976 the number of women in California's apprenticeship programs has tripled. Yet the most recent statistics from the California Division of Apprenticeship Standards report that women make up only 4.9 percent of the state's 41,000 apprentices. Though still a small proportion of women, this is a dramatic growth that marks an important trend: women seeking jobs in nontraditional trades are finding greater acceptance.

"Employers are much more responsive; it's easier to place women now. The Federal affirmative action goals for women in apprenticeship training and on Federally assisted construction projects are already making an impact." This statement reflects the recent experience of Justine (Susie) Suafai, Director of San Francisco's Women in Apprenticeship Programs, a six-year-old recruitment and placement organization.

In California, labor and management administrators of apprenticeship programs are trying to respond to specific goals for women in incoming classes of trainees. In the 1980's these goals mean there is a need for thousands more women in apprenticeship in 410 trades from baker to bricklayer. Additional women are currently needed by scores of construction contractors throughout California, as well as by many industrial employers.

Reports from apprenticeship professionals indicate that the demand for qualified women applicants exceeds the supply in many areas. Responsive apprenticeship programs and employers can do much to increase employment opportunities for women in the trades; however, they need the assistance of employment specialists. A large part of the responsibility of ensuring that women are able to take advantage of these new opportunities rests with educators and employment professionals

who are in a position to assist women in making informed career decisions based on individual talents, interests and needs.

It is intended that the guidelines of the Apprenticeship and Blue-Collar System as set forth in the preceding pages will provide counselors, educators and individual women with the necessary tools to strengthen and facilitate women's position in the skilled blue-collar work force.

GLOSSARY

APPRENTICESHIP

How It Works -- Apprenticeship is a combination of on-the-job training and related technical instruction in which workers learn the practical and theoretical aspects of the work required for a skilled occupation, craft or trade. Programs are conducted by employers, often jointly with labor and management. Related technical instruction is given in local vocational schools and junior colleges, sometimes using home study courses.

The training period ranges from one to six years, most trades requiring three to four years. Apprentices are paid while they train on-the-job, at progressive wage rates starting from about half the journeyworker's rate up to 95 percent of full pay near the end of their apprenticeship.

A few of the skilled trades are automative mechanic, baker, bricklayer, carpenter, electrician, machinist, operating engineer, optical technician, and die maker. There are a total of 415 apprenticeable trades, including all the specialized jobs within certain occupations.

Who Are Served -- Both men and women at least sixteen years of age are eligible to apply. Applicants must be physically able to do the work of the trade; some trades require an entry examination. For some trades -- but not all -- they must be high school graduates or possess a General Educational Development (GED) certificate. Veterans may add their years of honorable service (usually up to four years) to the upper age limit.

Authorization -- The National Apprenticeship Act of 1937, as amended.

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT (CETA)

How It Works -- All states and cities, counties and combinations of local units with populations of 100,000 or more receive direct Federal grants under the Comprehensive Employment and Training Act (CETA) to design and administer comprehensive employment and training programs that serve the needs of their areas. These state and local units, called "prime sponsors," operate projects themselves or contract with other groups to provide services. Generally, states are responsible for programs in areas that do not meet the population criterion to receive Federal funds directly.

The kinds of services (by no means inclusive) that prime sponsors may choose to make available to eligible participants are classroom and on-the-job training, work experience, subsidized jobs with public and private nonprofit agencies, basic education, and support services like child care and health aid. They may target some programs to specific groups: youth, offenders, persons with limited English-speaking ability, and veterans. And they may decide to use CETA funds to finance activities such as affirmative action programs, revising local merit system procedures and developing labor market information.

The law requires every sponsoring government to have a planning council whose members represent clients, labor, business, education and community organizations, among other groups. Councils make recommendations to governments on the services that will best fit the needs of their communities and monitor and evaluate ongoing programs.

Who Are Served -- Unemployed, underemployed and economically disadvantaged persons are eligible to participate.

Authorization -- The Comprehensive Employment and Training Act Amendments of 1978.

WORK INCENTIVE (WIN) PROGRAM

Administration -- WIN is jointly administered by the Employment and Training Administration (ETA) of the Department of Labor and the Office of Human Development Services (OHDS) of the Department of Health and Human Services. Local operations in states and other areas are carried out by the State Employment Service (registration for the program, appraisal of work skills, labor market information, job training, remedial education, job development and employment assistance job placement) and by public welfare agencies (child care, counseling, employment-related health care and other social services).

Eligibility -- All persons applying for Aid to Families with Dependent Children (AFDC) are required to register for WIN unless exempt. Those exempt from registration include children under sixteen and up to twenty-one, if they attend school full-time; the sick, disabled or elderly; people living too far from a WIN project to take part; people caring for a sick or disabled member of the household; mothers or other relatives caring for children under six; and mothers or other women caring for children in homes where fathers or other male relatives register. People not required to register may volunteer for WIN, and large numbers are doing so. Volunteers can leave WIN at any time and go on receiving their regular welfare benefits.

Operation -- WIN helps people on AFDC find jobs. It provides job information, help in looking for work, and services like child care and medical aid, as needed. People who cannot move into regular jobs at once may be selected for on-the-job training in private industry or WIN-supported public service jobs; or they may get work experience or training through WIN or community employment programs.

Authorization -- The 1967 and 1971 amendments to the Social Security Act. The WIN tax credit is authorized by the Revenue Act of 1971.

AFFIRMATIVE ACTION, APPRENTICESHIP -- The procedures, methods and program designated for the identification, recruitment, training and motivation of present and potential minority group and female apprentices; to equalize opportunity for minority groups and females in apprenticeship programs.

AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) -- A program authorized by Title IV-A of the Social Security Act to provide financial assistance and social services to needy families with dependent children.

APPRENTICE -- An individual entering the work force who is being given instruction and experience, both on- and off-the-job, in all the practical and theoretical aspects of the work required in a skilled occupation, craft or trade.

APPRENTICE ACTIONS -- Administrative functions relating to the apprentice at entry or completion, or at any point during the terms of apprenticeship, including, but not limited to: (a) registration, (b) suspension, (c) cancellation, (d) completion.

APPRENTICE'S WAGE RATE -- A progressively increasing schedule of wages for apprentices. The entry wage must be at least equal to the Fair Labor Standards Act minimum where applicable, unless a higher wage is required by state law or regulation.

APPRENTICESHIP -- Training in a skill with not less than 2,000 hours of on-the-job training and related theoretical instruction.

APPRENTICESHIP AGREEMENT -- The implied or written apprenticeship agreement between the apprentice (or guardian if the apprentice is a minor) and the employer or the employer's agent.

APPRENTICE INFORMATION CENTER (AIC) -- An office located in some local employment service offices, which provides information on opportunities in the skilled trades, referral to jobs with a future, and which helps minorities, women, veterans and others to find out about apprenticeship and to enter training.

APPRENTICESHIP PROGRAM -- An officially authorized plan which sets forth the terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirement for a written apprenticeship agreement.

APPRENTICESHIP STANDARDS -- Minimum training and administrative criteria, to provide uniform training in the skills required of craftworkers, which must be incorporated in programs submitted for approval or registration by State Apprenticeship Councils or the Bureau of Apprenticeship and Training.

CANCELLATION -- The deregistration of an apprenticeship program at the request of the program sponsor, BAT and/or State Apprenticeship Council (SAC), or the termination of an apprenticeship agreement at the request of the apprentice or program sponsor.

CERTIFICATE OF COMPLETION -- A certificate issued in recognition of successful completion of apprenticeship.

CERTIFICATE OF REGISTRATION -- A certificate issued by the BAT to any apprenticeship program sponsor in a BAT state who has developed apprenticeship standards which meet the Bureau's minimum requirements.

CERTIFICATION -- Written approval by the BAT of (1) a set of apprenticeship standards developed by a national committee or organization, joint or unilateral, for policy or guideline use by local affiliates, as substantially conforming to the standards of apprenticeship; (2) eligibility of an individual for probationary employment as an apprentice under a registered apprenticeship program; or (3) an on-the-job training program.

COMMUNITY-BASED ORGANIZATION (CBO) -- A private nonprofit organization which is representative of the community and which provides employment and training services or activities. (Examples include: Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, United Way of America, Mainstream, the National Puerto Rican Forum, agencies serving women,

neighborhood groups and organizations, rehabilitation organizations, rehabilitation facilities -- as defined in appropriate sections of the Rehabilitation Act of 1973, 29 USC § 706, agencies serving youth, union-related organizations, and employer-related nonprofit organizations.)

COMPLIANCE REVIEW, BAT -- A systematic examination of the operation of an apprenticeship program, its conduct, and the performance of the sponsor in its administration to determine whether all requirements of the Bureau of Apprenticeship and Training Regulations are being satisfactorily met and whether any necessary corrective action is being, or has been, taken.

COMPLIANCE REVIEW, EEO -- A review of an employer's selected employment practices, facilities or delivery of services for compliance with the various provisions of nondiscrimination in Federally funded programs.

CRAFTWORKER -- Any person who successfully completes an apprenticeship.

CREDIT FOR PREVIOUS EXPERIENCE -- Allowance of time as credit toward completion of apprenticeship for previous comparable work experience, training or demonstrated proficiency, with commensurate wages.

DISABLED -- See "Handicapped."

DISCRIMINATION -- Behavior or practices which have the effect of denying equal opportunities for employment or participation in programs.

DISPATCH SLIP -- A referral from a union to an employer who has requested a worker to fill a specific job.

DISPLACED HOMEMAKER -- An individual who:

(1) has not worked in the labor force for a substantial number of years but has, during those years, worked in the home providing unpaid services for family members; and

(2) (a) has been dependent on public assistance or on the income of another family member but is no longer supported by that income; or

(b) is receiving public assistance on account of dependent children in the home, especially where such assistance will soon be terminated; and

(3) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

EMPLOYABILITY DEVELOPMENT PLAN (EDP) -- A written plan for a person attending counseling that sets forth that individual's occupational goal, the employment, training and supportive services necessary for her to reach that goal.

EQUAL EMPLOYMENT OPPORTUNITY (EEO) -- The basic right of every individual, regardless of race, creed, color, sex, national origin, handicap or age, to pursue job and training opportunities without being subjugated to discrimination under any program or activity supported by Federal funds.

EXIT INTERVIEW -- An interview conducted at the time of an employee's termination from an apprenticeship program or other employment. The purpose of the interview is to enable the employer to elicit the worker's comments and views on the reasons for termination.

FEDERAL COMMITTEE ON APPRENTICESHIP -- An advisory committee to the Secretary of Labor, appointed by the Secretary, composed of representatives of management, labor and the public, and operating under charter filed with the U.S. Congress.

GENERAL EDUCATIONAL DEVELOPMENT TEST (GED) -- A series of five tests including writing, social studies, science, reading and mathematics, which is administered to adults who, upon passing the tests, may apply for a high school equivalency certificate or diploma. Passing requirements are based on a national norm and may vary slightly from state to state. In some states issuance of the high school equivalency certificate is automatic based upon successful completion

of the tests. In California, passing the GED is deemed to be the equivalent of a diploma for the purpose of employment in many occupations. The GED is available in French, Spanish, braille, large print and audio cassettes.

HANDICAPPED -- Any person who has a physical or mental disability which constitutes a substantial barrier to employment and can benefit from employment and training services.

JOB DESCRIPTION -- A detailed description of a complete occupation which highlights such significant factors as duties, worker trait data, equipment, qualifications, relation to other jobs, training information, physical demands, environmental conditions and employment factors.

JOINT APPRENTICESHIP COMMITTEE (JAC) -- A committee of an equal number of representatives of employers (management) and employees (labor), established by an employer or groups of employers and bona fide collective bargaining agent(s), to conduct, operate or administer an apprenticeship program by entry into agreements with apprentices selected for employment under the particular program.

JOINT APPRENTICESHIP TRAINING COMMITTEE (JATC) -- A joint management and labor committee that administers apprenticeship and job training as well as supplementary training for certified craftworkers.

NATIONAL COMMITTEE -- The National Apprenticeship Committee representing the union or association.

NONJOINT APPRENTICESHIP SPONSOR -- An apprenticeship program sponsor (1) without participation of a bona fide collective bargaining agent; or (2) by one employer or by two or more employers without union participation.

OFFENDER -- Any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom employment and training services may be

beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

PROBATIONARY PERIOD -- A reasonable trial period for which full credit applies toward completion of apprenticeship.

RATIO -- The proportion of apprentices to craftworkers, consistent with proper supervision, training and continuity of employment.

RECOGNIZED STATE APPRENTICESHIP AGENCY OR RECOGNIZED STATE APPRENTICESHIP COUNCIL (SAC) -- An agency or council constituted under a state apprenticeship law or Executive Order, and approved by the Bureau of Apprenticeship and Training (BAT) as the appropriate body for state registration of local apprenticeship programs and apprentice agreements for Federal purposes.

REGISTRATION, BAT -- The approval by the BAT of a sponsor's apprenticeship standards which meet the Bureau's minimum requirements.

REGISTRATION OF AN APPRENTICESHIP AGREEMENT -- Acceptance and recording by the Bureau of Apprenticeship and Training or a recognized State Apprenticeship Agency of evidence of the participation of the apprentice in a particular registered apprenticeship program.

REGISTRATION OF APPRENTICESHIP PROGRAM -- Approval and recording of such program by the Bureau of Apprenticeship and Training or by a recognized State Apprenticeship Agency. Approval is by a Certificate of Registration or other appropriate documents.

REINSTATEMENT -- Restoration of an inactive apprenticeship program or apprentice to an active status.

RELATED INSTRUCTION -- Organized, supplemental, theoretical instruction program to provide apprentices with information on technical subjects related to

the trade, which may consist of study conducted in a local trade or vocational school or other educational institution, or supervised correspondence or self-study courses, as approved by applicable law or policy of the registration agency. A minimum of 144 hours per year of successful completion of study in such a program by each person serving an apprenticeship is recommended.

SINGLE PARENT -- A single, abandoned, separated, divorced or widowed individual who has responsibility for support of one or more dependent children.

SPONSOR -- Any person or organization operating an apprenticeship program, irrespective of whether such person or organization is an employer.

STATE APPRENTICESHIP PROGRAM -- A program registered with a State Apprenticeship Council as evidenced by a Certificate of Registration or other appropriate document.

STATE AND NATIONAL APPRENTICESHIP SYSTEM (SNAPS) -- A computer-based program information system designed to collect essential apprenticeship activity data, on a continuous basis, on all registered apprenticeship programs throughout the United States and its territories. SNAPS provides uniform data on apprenticeship programs in every state, whether administered by the Bureau of Apprenticeship and Training or a State Apprenticeship Council (SAC). These SAC states and jurisdictions participate voluntarily in the SNAP system, allowing for the development of comprehensive apprenticeship statistics on a national basis.

SUMMER YOUTH EMPLOYMENT PROGRAM -- Authorized by the Comprehensive Employment and Training Act, this program provides eligible youth with meaningful work opportunities and supportive services during the summer months to assist youth to develop their maximum occupational potential.

SUPPORTIVE SERVICES -- Services which are designed to contribute to the employability of participants, enhance their employment opportunities, assist them to retain employment or to participate in other employment and training activities and facilitate their movement into permanent employment. Such services include,

but are not limited to: health care and medical services, child care, transportation, temporary shelter, assistance in securing bonds, family planning services, legal services and financial counseling and assistance.

TERM OF APPRENTICESHIP -- The length of time required to complete an apprenticeship, consistent with training requirements as established by industry practice, but in no case less than one year or 2,000 hours.

TRADE -- An occupation requiring manual or mechanical skill.

TRAINEE -- An individual (other than an apprentice) receiving on-the-job training.

UNION -- Any local union affiliated with an international or national union.

WORK PROCESS (TRAINING SCHEDULE) -- An outline of work processes in which an apprentice will receive supervised work experience and training on-the-job, and the allocation of the approximate time to be spent in each major process or division of the trade.

YOUNG ADULT CONSERVATION CORPS (YACC) -- Authorized by the Youth Employment and Demonstration Projects Act (YEDPA) as Title VIII of the Comprehensive Employment and Training Act Amendments of 1978. This program provides unemployed youth, ages sixteen to twenty-three, with work for up to one year on conservation projects in parks, national forests and recreation areas.

YOUTH COMMUNITY CONSERVATION AND IMPROVEMENT PROJECTS (YCCIP) -- Authorized by Title II of the Youth Employment and Demonstration Projects Act (YEDPA), as Subpart B of Part A of Title IV of the CETA Amendments of 1978. This program seeks to employ youth, ages sixteen to nineteen, in well-supervised work projects producing a tangible output of benefit to the local community.

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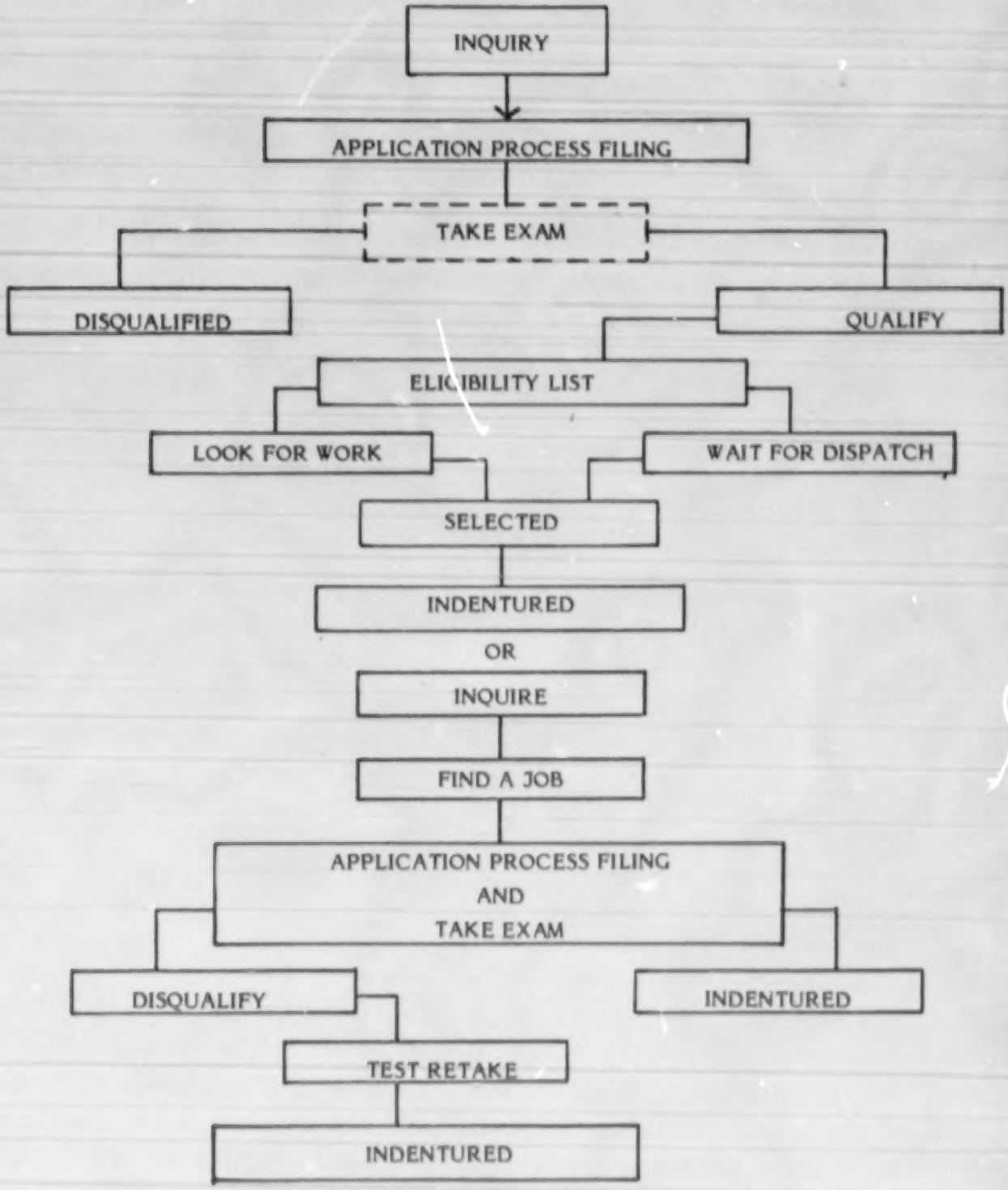
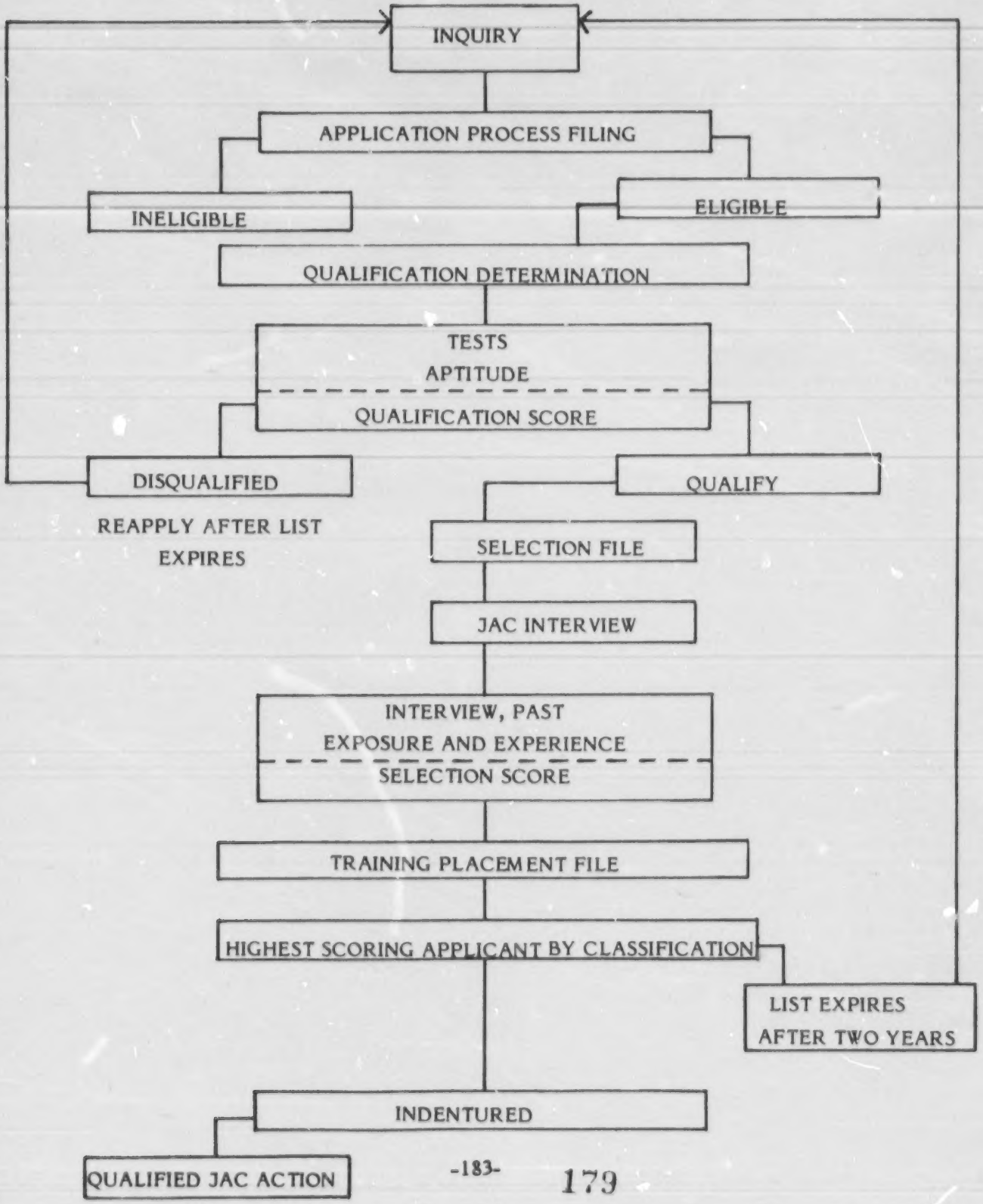
FLOW CHART

HUNTING LICENSE APPRENTICESHIP



FLOW CHART
LIST APPRENTICESHIP



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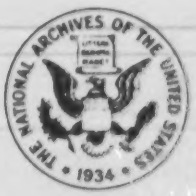
FRIDAY, MAY 12, 1978
PART IV



DEPARTMENT OF LABOR

Office of the Secretary

■

EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP AND TRAINING

13—82926

[4510-30]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY

PART 30—EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP AND TRAINING

Final Rule

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: The regulation published today amends the Department of Labor's regulations concerning equal employment opportunity in apprenticeship and training to include specific provisions requiring affirmative action for women.

EFFECTIVE DATE: The regulations shall take effect June 12, 1978.

FOR FURTHER INFORMATION CONTACT:

James D. Henry, Associate Solicitor for Labor Relations and Civil Rights, Office of the Solicitor 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8222, or James P. Mitchell, Deputy Administrator, Bureau of Apprenticeship and Training, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20212, 202-376-6488.

SUPPLEMENTARY INFORMATION: On September 30, 1977, the Office of the Secretary of Labor, U.S. Department of Labor, published in the FEDERAL REGISTER (42 FR 52441) a proposal to amend 29 CFR Part 30 to require specific affirmative action steps, including goals and timetables, for women. The September 30 proposal provided that comments on the proposal would be received until November 14, 1977. Subsequently, the comment period was extended to November 30, 1977. As of January 3, 1978, 1,030 separate written comments had been received. More than half (579) of these comments favored the proposed amendment; 451 of the comments opposed it. Of the 1,030 comments, 144 were from apprenticeship committees; 114 from unions; 373 from individuals; 69 from government agencies; 118 from women's organizations; 100 from employees; and 112 from other organizations. Comments were received after January 3, 1978, although they are not included in the above count. Each submission has been thoroughly reviewed and each criticism and suggestion given careful consideration.

SUMMARY OF COMMENTS

1. Some of the comments opposed the proposed amendment because of the requirement of goals and timetables for women. These comments expressed the opinion that goals were the same as quotas and were illegal. Some of these comments expressed the view that the Department of Labor should withhold any action on final regulations until the U.S. Supreme Court has rendered its decision in *The Regents of the University of California* v. *Allen Bakke*. These comments maintained that the Department's final regulation would have to be consistent with this decision.

Some of the comments from those opposed to the use of goals suggested alternative means to accomplish affirmative action for women in apprenticeship. Alternatives suggested included the use of outreach programs for women, emphasis on recruitment of women, and the development of special programs to prepare women with basic skills required to enter apprenticeship programs.

2. Some of the comments opposed goals for women because of a belief that women as a class were unable to do the work of the skilled trades and/or were not interested in doing such work. Some of these comments expressed the opinion that goals would require the hiring of unqualified people who would not be able to do the work and/or of people who were not sincerely interested in learning the trade.

3. Other comments were not opposed to the concept of goals for women but suggested that the proposed first-year goal for women in entering apprenticeship classes was unreasonable. They expressed the view that there were not enough women available who were able to do the work and/or interested in becoming apprentices to meet the proposed goal.

Some of these commentors suggested alternative methods for establishing goals and timetables for women. Included in these suggestions were proposals to base the goal on current participation of women in the skilled trades, on the number of women interested in entering apprenticeships, and/or on the number of women who apply for entrance into apprenticeship programs. Some commentors suggested that the Department delay requiring goals for women for 2 years, requiring vigorous recruitment of women during the 2-year period. Goals would then be based on the number of women who demonstrated interest in apprenticeship during this 2-year period.

4. A few comments maintained that the availability of women interested in entering apprenticeships would vary from one region to another. These comments proposed that the Department take account of this and set goals on a regional rather than a nationwide basis.

5. Other comments from those opposed to the proposed amendment included statements that the proposal was inflationary, that it was inappropriate during a time of high unemployment in the skilled trades, and that the time allowed for making the required changes in the sponsors' affirmative action plans was too short. In addition, some comments suggested that program sponsors be allowed to set minimum physical standards for entrance into their programs.

6. Most of the comments received from women's organizations, individuals, government agencies, and public interest organizations supported the proposed amendment. These comments stated that without the specified affirmative action requirements, especially the use of goals and timetables, very little would be accomplished in increasing the participation of women in apprenticeship programs.

7. A number of those who commented in favor of the proposed amendment objected to the use of the term "qualified" modifying minorities or women in the section of the preamble entitled "Proposed Changes." These comments pointed out that the term is not used in the current regulation or the proposed amendment. They advocated as an alternative the use of the word "trainable," claiming that there was a possibility that biased program sponsors may use this language as an excuse to exclude women on the basis that they were not "qualified."

8. Others who favored the amendment generally suggested that the Department adopt the position that the ultimate goal for women in apprenticeship be work force parity, and that the goal be set at this level in 5 years.

9. Some of those favoring the amendment proposed that the use of private review panels in connection with complaints of discrimination be eliminated and/or that complainants be given an option to file their complaints with the Department.

10. Some proponents of the amendments suggested that the Bureau of Apprenticeship and Training be required to conduct compliance reviews of programs annually.

11. A few organizations favoring the amendments suggested that the complaint procedure be changed in order to permit third-party complaints.

12. Some women's organizations and government agencies were concerned about the problem of double counting minority women.

13. Other suggestions made by those who favored the amendments included the elimination of age limits, increased coordination between the Bureau of Apprenticeship and Training and the Office of Federal Contract Compliance Programs of the Department of Labor, and shortening of the time periods allowed program sponsors to come into compliance.

In the Discussion section below we will take up each of the issues listed

above as we discuss the amendment on a section-by-section basis.

BACKGROUND

Regulations published at 29 CFR Part 30 establish policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor or with recognized state apprenticeship agencies. The regulations prohibit discrimination based on race, color, religion, national origin or sex.

They also require the adoption of written affirmative action programs including the development of goals and timetables. But while the present regulations require the elimination of sex-based discrimination, they do not require that the written affirmative action plans cover women. Also, a sponsor currently is not required to establish and attain goals and timetables for women although goals and timetables are required for minorities.

Over the last several years the Department of Labor has received a number of requests to amend 29 CFR Part 30 to make the written affirmative action plan requirement, including goals and timetables, applicable to women. Most recently a group of organizations petitioned the Department of Labor pursuant to 5 U.S.C. 553(e) to initiate rulemaking proceedings to cover women in affirmative action plans relating to registered apprenticeship programs.

The Department of Labor has examined the status of women in apprenticeship programs and has concluded, based on their participation rate, that 29 CFR Part 30 should be amended to require that written affirmative action plans for apprenticeship programs cover women, including the establishment and implementation of goals and timetables.

As the petition for rulemaking states:

> The percentage of women in the civilian labor force has steadily increased from 1920 to 1976, when the percentage of the workforce which is female had climbed to a new high of 40.5 percent. However, despite a continuing climb in overall labor force participation, women are generally confined to five low-paying categories of work: clerical, domestic work, teaching, nursing and sales. Women comprised only 4.5 percent of all craft and kindred workers—"The skilled trades"—in 1975. A woman working full-time, year-around, in 1974 as a clerical had a median income of $6,827, a domestic earned $2,676, a salesperson $5,168, and a teacher below the college level, not a year-round worker, could expect $7,739. In contrast, male craft workers reached a median income of $12,028. [Footnote and reference omitted.]

Historically, women have had only limited participation in apprenticeship programs, which is how many skilled craftworkers enter their jobs.

In 1976 of the 11 million skilled blue-collar workers, only slightly over a half million (545,038) were women. Nearly 165,000 of these women were bakers; tailors; upholsterers; and decorators and window dressers; constituting, respectively, 37.2, 32.1, 28.6, and 70.6 percent of total employed. On the other hand, the proportion of women carpenters, electricians, painters, plumbers, machinists, mechanics, stationary engineers, and a few other skilled trades ranged from less than 1 percent to about 3 percent of the total. Although the number of women apprentices increased by 74 percent in one year (1974-75), they still represented only 1.2 percent of the total number of apprentices registered.

DISCUSSION

The following sections have not been significantly affected by the regulations adopted today, other than minor conforming and editorial changes: §§ 30.1, 30.2, 30.7, 30.9, 30.10, 30.12, 30.14, 30.16, 30.17, 30.18 and 30.19. The major change in the sections affected by the regulation is the insertion of appropriate words to show that the written affirmative action plan requirement applies to women as well as to minorities. Section 30.6 has been altered in this manner as well as through minor editorial and conforming changes. Other sections significantly affected by the regulation adopted today will be discussed below.

Section 30.3. This section sets forth the equal opportunity standards applicable to sponsors of apprenticeship programs.

1. Section 30.3(e) provided that a sponsor would not be required to adopt an affirmative action plan under § 30.4 or a selection procedure under § 30.5 if it submitted to the Department satisfactory evidence that it was in compliance with an equal employment opportunity program providing for the selection of apprentices and for affirmative action in apprenticeship which had been approved as meeting the requirements of Title VII of the Civil Rights Act of 1964, as amended, or Executive Order 11246, as amended.

The proposal published in the FEDERAL REGISTER on September 30, 1977, (42 FR 52441) proposed the following addition to § 30.3(e): "except to the extent that the goals and timetables in such program are less than would be required under this part." Several comments objected to this proposed addition, claiming that meeting the requirements of Executive Order 11246 or Title VII should adequately protect the rights of women and minorities with regard to apprenticeship. After considering these comments, the Department has decided to adopt the following language as an addition to § 30.3(e):

> Provided, That programs approved, modified or renewed subsequent to the effective date of this regulation will qualify for the exception only if the goals and timetables for both minorities and women for the selection of apprentices provided for in such programs are equal to or greater than the goals required under this part.

Thus the regulation adopted today will permit sponsors with approved equal employment opportunity programs to be exempted from the requirement to adopt an affirmative action plan or a selection procedure during the duration of their currently approved program, provided such programs contain goals and timetables for women as well as for minorities. Programs approved subsequent to the effective date of this amendment will have to be consistent with this part in order for the exemption to be allowed.

2. Section 30.3(f) provided that sponsors of programs with fewer than five apprentices not be required to adopt an affirmative action plan under § 30.4 or a selection procedure under § 30.5. The proposal published in the FEDERAL REGISTER on September 30, 1977 (42 FR 52441) proposed the following addition to § 30.3(f): "provided that such program was not adopted to circumvent the requirements of this part." This proposal has been adopted.

Section 30.4. This section sets forth the requirement that program sponsors adopt a written affirmative action plan, including the establishment of goals and timetables. This section previously required the establishment of goals and timetables for minorities only. The regulation adopted today amends this section to require the establishment of goals and timetables for women as well as for minorities. A number of comments addressed the issue of goals. Some of the commentors, particularly some of the unions and joint apprenticeship councils, characterized goals as "quotas", stated that the goal requirement would require the hiring of unqualified persons, stated that women are not capable of or interested in working in the skilled trades, and stated that other workers would be displaced by women because of high unemployment in the skilled trades.

The Department of Labor's experience has demonstrated that goals and timetables are the most concrete and effective system for increasing the representation of women and minorities in employment areas from which they have previously been excluded or have not been represented in proportion to their availability. Initially, contractors subject to the requirements of Executive Order 11246, as amended, were required to implement goals and timetables for minorities only. Thereafter, non-construction contractors were required to establish goals and timetables for women also. Most recently, the Executive Order regulations were amended to require goals and ti-

metables for women working in construction.

A review of the status of women in the skilled trades shows that unless specific affirmative action steps are prescribed, employment opportunities in these trades will not reach the female workforce. For example, when these regulations were proposed last September, the preamble contained the following statement (42 FR 52442):

According to the latest available data for January through June 1976, there were 3,545 women apprentices, representing 1.4 percent of the total apprentices (249,060). A further look at the number of women employed in several occupations for which apprenticeships are available shows generally that women are making very small gains, numerically and proportionately. The gains, in fact, are so small that if women are ever to be fairly representative in the skilled crafts, their entry into apprenticeship programs must be greatly accelerated. The Department of Labor's experience has shown that the use of goals and timetables is the most effective means for increasing the number of women and minorities in employment areas from which they previously have been excluded or have not been represented in proportion to their availability. Minority participation in apprenticeship and in individual construction trades, for example, has increased measurably as a result of the minority outreach program and the goals and timetables requirements under 29 CFR Part 30. The data for the first 6 months of 1976 indicate that monorities (who constitute 11.5 percent of the work force) are 17.7 percent of all apprentices. This is a rise from 9.1 percent in 1970, the last year before 29 CFR Part 30 was issued. During the same months in 1976, women (41.1 percent of the work force) held only 1.4 percent of all apprenticeship positions.

In view of these data, affirmative action goals and timetables for women in apprenticeship programs coupled with implementing affirmative action procedures would appear to be particulary appropriate at this time.

Many of the commentors opposed to this regulation claimed that women are not available for work in the skilled trades in the numbers required to achieve the goals. These commentors maintained either that women could not do the work or were not interested in apprenticeships. Information gathered by the Department, however, reveals that when opportunities are opened up for women in the skilled trades, women are available to take advantage of the opportunities.

The experience of World War II demonstrated the ability of women to perform jobs traditionally held as "male". During that period 6.7 million women entered the labor force with 2.9 million working in the crafts, as operatives or non-farm laborers. Approximately 350,000 women served in one of the four military services, and many others served in quasi-military support units. Women worked in essentially every occupation except direct combat. They drove trucks, repaired airplanes, rigged parachutes, were gunnery instructors, as well as air traffic controllers. Data provided to the Department by the Office of Women's Rights, Seattle, Wash., demonstrates the success in placing women in construction trades which was achieved when the City instituted a 12 percent goal for women in all levels of city-financed construction work. The Director of the Office of Women's Rights in a September 26, 1977 letter, wrote that the 12 percent overall goal has been so achieveable that it is likely it will be raised to 15 percent in 1978.

The Maritime Administration, which oversees enforcement of Executive Order 11246 in the shipbuilding industry, has provided the Department with some very useful documentation on both the availability of women for construction-related jobs and the positive impact of goals and timetables in the employment of women in those jobs. A number of the jobs in the shipbuilding industry are comparable to jobs in construction; the Maritime experience therefore is particularly useful. In early 1972 the Maritime Administration began requiring goals and timetables for women by shipbuilding contractors. The experience was that as more women were employed, more women applied. Once women knew that they would be hired without regard to sex, they applied in large numbers. In at least one shipyard the applicant flow is now running at the rate of the normal workforce rate of women in that area, greatly exceeding the 20 percent entry level goal originally set. Unquestionably, the key reason for the increase of women in that industry is goals and timetables.

Significant employment increases for women have resulted in the skilled and semi-skilled crafts in the Bell System of the American Telephone and Telegraph Co. under the goals required by the consent decree entered in 1973. Goals for women were set at the percentage of women in the workforce (then 38 percent) in all job groups in which they were under-represented, except for outside skilled and semiskilled craft jobs, where the goals were set at half the female workforce figure (i.e. 19 percent in 1973). Annual targets were set at these levels and carefully monitored. From January 1, 1973, to January 1, 1977, women in outside skilled crafts in AT&T rose in actual numbers from 38 to 970. Thus, despite the fact that the company was reducing its workforce in inside skilled and outside and inside semi-skilled job groups during the same years, the gains for women were marked in each of these categories. Goals were also required for women in the construction of the Alaska pipeline. Not only was the goal exceeded but women worked in areas and under conditions where many would have thought women would not accept jobs. Better than 2,500 women worked in the bush in such jobs as operating engineers, teamsters, laborers, etc. In fact, of the 19 construction crafts working on the pipeline, women were represented in all but four.

A major effort to include women in non-traditional jobs, many of them construction related, has been undertaken by the Department of Defense, particularly the Air Force. Between 1974 and 1976, the number of women trained by the Air Force in non-traditional areas increased from 19,465 to 29,235. By 1977, their number had reached 34,610. Also, many of the women who entered the Air Force training programs in the initial stages in 1972, are now entering the civilian labor force and would be available for apprenticeship programs. Some of the Air Force Speciality Codes open to women include: Telephone Switching Equipment Repairman Electrical/Mechanical in which women went from zero in 1972 to 72 in 1977; Helicopter Mechanic, Jet Engine Mechanic, Aircraft Maintenance Specialist, and other related mechanic categories, from zero in 1972 to 3,181 in 1977; Electrician, from one in 1972 to 105 in 1977; Pavement Maintenance Specialist, zero to 46; Carpenter, zero to 91; and Plumber, zero to 72. Air Force enlistees enter the service with a four year commitment; they receive training and perform the duties of these specialities for that period of time. The military has been and remains a primary source for apprenticeship training for many men entering the skilled trades. It should also become a source of recruitment for women.

Since 1971, the Department has funded outreach programs for nontraditional jobs for women. Apprenticeship outreach programs have special women's components in 23 cities which have been funded for recruitment and placement of women. The concept of nontraditional job development for women has now been incorporated in all apprenticeship outreach programs and is involving women in over 100 cities. These and other specialized on-the-job training programs funded by the Department's Office of National Programs have contributed to opportunities for women in trades in which they were previously unrepresented. At the same time, however, overall numbers have not shown a significant increase comparable to that of minorities. Among the most successful projects are:

Better Jobs For Women—Initiated in 1971 under the leadership of the Denver Metropolitan YWCA, this project was developed by the Bureau of Apprenticeship and Training of the Department of Labor. It is one of two

outreach programs operating specifically to get women into nontraditional jobs. The target population was female heads of households. Each year this project has surpassed its stated goal for placements. It has reported that there is greater interest in apprenticeship by women than there are opportunities. For example, as of April 1977 a yearly average of 150-200 women applied for registered apprenticeship but only 20 were placed.

Advocates For Women—A San Francisco project, funded by the Department of Labor since January 1974, this project serves nine counties in the San Francisco Bay Area. Its goal is to place women in apprenticeship training with an emphasis on construction.

The project reports that 1,100 women apply each year; 125 are placed. The project has had to stop advertising because the interest generated so far exceeds the placements available.

National Urban League, LEAP Apprenticeship Outreach Program For Women.—This project was funded by the Department of Labor in May 1974 to provide for greater involvement of women in apprenticeship. It is operated in conjunction with LEAP projects already providing outreach for minorities. It has operated in 15 cities across the country. This project has placed women in more than 15 crafts. The crafts in which women are participating under this project include: Asbestos workers, bricklayers, carpenters (22.8 percent of placements), cement masons, drywall tapers, electricians, ironworkers, laborers (14.9 percent), pipe trades, roofers, sheet metal workers, tilesetters, and welders.

A number of representatives of outreach programs and women's organizations commented in favor of the proposed regulation, stating that many women are eager to enter apprenticeships but that there are insufficient openings due to lack of affirmative action goals.

Thus the Department's experience indicates that there are women available and interested in entering the skilled trades. However, the longstanding reputation of the trades for excluding women discourages many women from applying for these jobs. A study by two Stanford University psychologists demonstrates that the number of women applying for jobs in the construction trades would substantially increase were there goals for women. In that study, two groups of female job seekers were given three detailed job descriptions and were asked to rate their interest in the jobs on a scale of 1 to 5, from "not interested" to "extremely interested." Two of the three jobs described were traditionally female jobs and one was a construction job. Half of the booklets contained the following statement under the title of the construction jobs: "Equal Opportunity for Women, Note: Federal Law Now Requires That Companies Train and Hire a Certain Percentage of Women for the Job of [carpenter] Each Year." The other half of the booklets contained no statement about affirmative action. In the affirmative action group, 33 percent of the women indicated a strong interest in the construction job, twice the percentage indicating a strong interest as in the other group. Seventy percent of the women in the affirmative action group expressed some degree of positive interest in construction jobs, one and one half as many as the other group.

Thus it is clear that women are available for apprenticeship opportunities. Furthermore, if women are to receive a fair number of these opportunities it is necessary to establish specific affirmative action requirements, including goals and timetables.

The Department of Labor recognizes and adheres to the distinction between permissible affirmative action goals and timetables and impermissible quotas. In a March 23, 1973 memorandum, the Departments of Justice and Labor and the Equal Employment Opportunity Commission and the Civil Service Commission distinguished goals and timetables from quotas:

> • • • Quota systems in the past have been used in other contexts as a quantified limitation, the purpose of which is exclusion, but this is not its sole definition. A quota system, applied in the employment context, would impose a fixed number or percentage which must be attained, or which cannot be exceeded; the crucial consideration would be whether the mandatory numbers of persons have been hired or promoted. Under such a quota system, that number would be fixed to reflect the population in the area, or some other numerical base, regardless of the number of potential applicants who meet necessary qualifications. If the employer failed, he would be subject to sanction. It would be no defense that the quota may have been unrealistic to start with, that he had insufficient vacancies, or that there were not enough qualified applicants, although he tried in good faith to obtain them through appropriate recruitment methods.
>
> Any system which requires that consideration of relative abilities and qualifications be subordinated to considerations of race, religion, sex or national origin in determining who is to be hired, promoted, etc., in order to achieve a certain numerical position has the attributes of a quota system which is deemed to be impermissible under the standards set forth herein.
>
> A goal, on the other hand, is a numerical objective, fixed realistically in terms of the number of vacancies expected, and the number of qualified applicants available in the relevant job market. Thus, if through no fault of the employer, he has fewer vacancies than expected, he is not subject to sanction, because he is not expected to displace existing employees or to hire unneeded employees to met his goal. Similarly, if he has demonstrated every good faith effort to include persons from the group which was the object of discrimination into the group being considered for selection, but has been unable to do so in sufficient numbers to meet his goal, he is not subject to sanction.

The Department of Labor continues to recognize the distinction between affirmative action and impermissible quotas, and also follows the policy enunciated in the memorandum quoted above.

The Congress and the courts also have recognized and acquiesced in the affirmative action programs (including goals and timetables) required under Executive Order 11246, as amended, which is administered by the Office of Federal Contract Compliance Programs of the Department. When Congress considered the Equal Employment Opportunity Act of 1972 (Pub. L. 92-261), Senator Saxbe made the following statement (118 Cong. Rec. 1385):

> The OFCC(P)'s affirmative action programs have tremendous impact and require that 260,000 Government contractors in all industries adopt positive programs to seek out minorities and women for new employment opportunities. To accomplish this objective, the OFCC(P) has utilized the proven business technique of establishing "goals and timetables" to insure the success of the Executive Order Program. It has been the "goals and timetables" approach which is unique to the OFCC(P)'s efforts in equal employment, coupled with extensive reporting and monitoring procedures that has given the promise of equal employment opportunity a new credibility.
>
> The Executive Order Program should not be confused with the judicial remedies for proven discrimination which unfold on a limited and expensive case-by-case basis. Rather, affirmative action means that all Government contractors must develop programs to insure that all share equally in the jobs generated by the Federal Government's spending. Proof of overt discrimination is not required.

Senator Saxbe's proposed amendment was adopted. (118 Cong. Rec. 1387-1398 (1972).) In addition, 2 days after hearing the comments of Senator Saxbe, quoted above, Congress rejected an amendment offered by Senator Ervin which would have proscribed the adoption of goals by Government contractors. See also *U.S. v. Elevator Constructors (IUEC) Local Union No. 5*, 538 F.2d 1012, (3rd Cir. 1976); *Contractors Ass'n of Eastern Pa. v. Shultz*, 442 F.2d 159 (3rd Cir. 1971), *cert. denied*, 404 U.S. 854 (1971).

Some of the comments which opposed the use of goals for women suggested alternative methods for achieving affirmative action. Alternatives suggested included the use of outreach programs, emphasis on recruitment, and the development of special programs to prepare women with basic skills required to enter apprenticeship programs. As has been discussed above, both outreach programs and re-

cruitment have been used in the past and while there has been some notable success, there continues to be serious underrepresentation of women in apprenticeship programs. It has been the Department's experience that this underrepresentation can best be remedied through the use of goals and timetables.

3. Section 30.4(c) sets forth the factors which should be analyzed in writing as part of the affirmative action plan. Item (1) in the existing regulation provides the following: "The minority population of the labor market area in which the program sponsor operates." This factor was inadvertently omitted from the September 30, 1977, proposal (42 FR 52441). Several comments were addressed to this issue, suggesting that the existing item (1) be amended to include the female population. The appropriate factor, however, is the working age minority and female (minority and nonminority) population.

4. Section 30.4(f) sets forth the method by which program sponsors are to establish and attain their goals and timetables. The proposal published on September 30, 1977, (42 FR 52441) contained two additions to § 30.4(f) which are included in the regulation adopted today. The first addition reads as follows:

> A single goal for minorities and a separate single goal for women is acceptable unless a particular group is employed in a substantially disparate manner in which case separate goals shall be established for such group. Such separate goals would be required for example, if a specific minority group of women were underutilized even though the female goals generally had been achieved.

This addition requires sponsors to establish two goals: one for women and one for minorities. In instances where a particular group of women or a particular group of minority men is employed in a substantially disparate manner, the sponsor would be required to establish separate goals for the group in question. For example, a sponsor could meet its goals for women and minorities yet have substantial underrepresentation of minority women in its apprenticeship program. In this case the sponsor would be required to set separate goals for minority women. The same would be true if there were significant underrepresentation of white women or of a particular minority group.

The second addition to § 30.4(f) reads as follows:

> However, in order to deal fairly with program sponsors and with women who are entitled to protection under the goals and timetables requirements, during the first 12 months after the effective date of these regulations, the program sponsor would generally be expected to set a goal for women for the entering year class at a rate which is not less than one half the proportion women are of the workforce in the program sponsor's labor market area and set a percentage goal for women in all classes beyond the entering class which is not less than the participation rate of women currently in the preceding class. At the end of the first 12 months after the effective date of these regulations, sponsors are expected to make appropriate adjustments in goal levels. See 29 CFR 30.8(b).

A number of comments, primarily from unions and joint apprenticeship committees, opposed this method of establishing goals for women in the entering class of apprenticeship programs. Their main complaint was that the method would result in a goal which was unrealistic and impossible to meet because there were not enough women with the ability and/or interest to enter the skilled trades.

As we have discussed above, however, the information collected by the Department of Labor indicates that where opportunities are extended to women, there are women available. Furthermore, from the material the Department has studied in connection with the preparation of this regulation, it appears that the goal which will result from the regulation adopted today is a reasonable one. Sponsors will not be held to an absolute standard of achieving the goal but are expected to make good faith efforts to meet the goal.

As of 1976 women constituted 40.5 percent of the national labor force. While the figures will vary from one program sponsor's labor market area to another, the entering class goal resulting from the regulation adopted today should be at least 20 percent. It is to be noted that this was the goal successfully used by the Maritime Administration for apprenticeship and comparable entry level jobs in shipbuilding. Likewise the goals for hiring women in outside skilled and semi-skilled crafts under the American Telephone and Telegraph Company Consent Decree were set at half the female workforce figure. In addition, as discussed above, Seattle, Wash., instituted a 12 percent goal for women in city financed construction work. This goal applied to all levels and types of construction work, not just apprenticeship. As we have seen the Office of Women's Rights in Seattle has indicated that the goal has been so achievable it is likely to be raised to 15 percent. Although the goals required for women in construction under the Executive Order 11246 regulations are lower than the entering class goal required by this regulation, this is appropriate in view of the fact that the Executive Order 11246 goals supply to all levels of construction work, not just apprenticeship. Thus, the goals set reflect the fact that there are few women journeypersons and advanced apprentices available.

Several alternatives were proposed by those who opposed the method of establishing entering class goals required by this regulation. These included basing goals on the percentage of women currently working in the apprenticeable trades, on the number of women who apply for apprenticeships, and/or on the number of women interested in apprenticeship. The Department has considered these alternatives and found them to be unacceptable. To base goals on the current percentage of women in the skilled trades would serve to perpetuate the discrimination which has resulted in so few women entering the trades. Further, it would be inappropriate because apprenticeships are entry-level positions, requiring no previous skills or training. Thus the applicable labor market is not those in the labor force who have already acquired skills, but those who possess the capability to be trained. In the absence of any proof to the contrary, the Department assumes that the percentage of the female labor force capable of being trained in the skilled trades is approximately equal to the percentage of the male labor force with that capability. Thus the Department assumes that in the absence of discrimination women would be represented in the skilled trades in a fashion comparable to their representation in the total workforce in a given geographical area.

Basing goals on the numbers of women who have applied for apprenticeship or otherwise indicated interest in apprenticeship is likewise unacceptable. As a number of courts have held, people are often discouraged from applying for jobs with employers who have a reputation of not hiring members of their particular group. See *Lea* v. *Cone Mills Corp.*, 301 F. Supp. (M.D.N.C. 1969), *aff'd in relevant part*, 483 F.2d 86 (4th Cir. 1971); *U.S.* v. *Central Motor Lines, Inc.*, 338 F. Supp. 532 (W.D. N.C. 1971); *Dobbins* v. *Local 212, IBEW*, 292 F. Supp. 413, (S.D. Ohio 1968). Thus the number of women applying for apprenticeship should not be used as a basis for goal-setting. Basing goals on the number of women who have expressed interest in apprenticeship would be objectionable for the same reason.

Some of the comments suggested that the Department delay requiring goals for women for 2 years, requiring vigorous recruitment of women during that 2-year period. Goals would then be based on the number of women who demonstrated interest in apprenticeship during this 2-year period. It is the Department's position that this suggestion is unacceptable because women are so seriously underrepresented in the skilled trades it is necessary to begin remedial action immediately. As discussed previously, it is the Department's experience that goals and timetables are the most effective means for accomplishing such remedi-

al action. Clearly vigorous recruitment is also required but experience has shown that it alone is not enough.

A few comments maintained that the availability of women would vary from one region to another and that this fact should be accounted for in the regulation. It is to be noted that goals are set based on a particular sponsor's labor market area. Thus if the percent of women is lower than the national average in a particular labor market area the entering class goal would be lower as well. Since we have no proof that the female interest in apprenticeship varies significantly from one geographic area to another, there is no reason to make any further distinctions based on region.

Some of the individuals and women's groups who commented in favor of the regulation recommended that the Department adopt workforce parity as the ultimate goal for women in apprenticeship and require that the goal be set at this level in 5 years. The regulation adopted today provides at § 30.8 that the goals and timetables shall be updated annually until workforce parity is achieved.

Section 30.5. This section sets forth the obligations of sponsors in the adoption of a method for the selection of apprentices.

1. Minor changes have been made in this section to make it consistent with the Office of Federal Contract Compliance Programs Guidelines on Employee Selection Procedures, 41 CFR Part 60-3.

2. Changes have been made in § 30.5(b)(1)(iii) and § 30.5(b)(4)(i)(B) to eliminate minimum physical requirements as acceptable qualifications for apprenticeship. Some of those who commented against the proposed regulation suggested that minimum physical requirements be permitted. Minimum physical requirements were eliminated from the proposal and from the regulation adopted today because such requirements have traditionally been used to exclude women and some minority groups from employment opportunities. By minimum physical requirements we are referring to such things as height and weight requirements and arbitrarily applied strength requirements. We note, however, that while a sponsor could not reject applicants on their height, weight, or apparent strength, there is nothing in the regulation adopted today which would prohibit properly job-related performance and physical ability tests. Such tests must meet the requirements of 41 CFR Part 60-3 in order to be acceptable.

3. In the proposal published on September 30, 1977 (42 FR 52441), changes were made in § 30.5(b)(4)(i)(A) to require that a sponsor complete development of its revised selection method along with the rest of its affirmative action program within 60 days of the effective date of this amendment. Some comments criticized this provision as not allowing enough time. The provision was changed from 60 to 90 days to make it consistent with § 30.3(c).

Section 30.11. This section sets forth the complaint procedure.

1. A number of comments addressed the provision that allows complaints to be filed with a private review body, stating that such procedures should not be imposed on complainants but should be voluntary. We note that both the proposal and the regulation adopted today do make the use of private review bodies optional, as the complainant has the choice of filing his or her complaint with the Department or the private review body.

2. Section 30.11(b)(3) was added in both the proposal and in the regulation adopted today to require that sponsors provide written notice of the complaint procedure to all applicants for apprenticeship and all apprentices. A number of individuals and groups commented favorably on this addition, stating that it was very important since without it many applicants and apprentices would not know what recourse they had in the event they believed they had been subjected to discrimination.

Section 30.15. This section sets forth procedures to be followed by State Apprenticeship Councils. The proposal and the regulation adopted today require that each State Apprenticeship Council complete development of a revised equal opportunity plan which shall be consistent with this part within 60 days of the effective date of this regulation. The revised State plan must require all State apprenticeship programs registered with the State Apprenticeship Council to comply with the requirements of the revised State plan within 90 days of the effective date of this regulation. Some of the comments criticized the proposal on the basis that these time requirements were too short, others criticized them on the basis that they were too long. It is the Department's decision that the time periods are adequate.

OTHER COMMENTS

1. Some comments expressed the view that the Department of Labor should withhold a decision until the Supreme Court has ruled in *The Regents of the University of California* v. *Bakke* case. It, of course, is always difficult to predict with precision how the Supreme Court will rule in a specific case. However, it is not likely that a ruling in that case, a university admissions case, would have the type of impact on these regulations that they should be held in abeyance until the Supreme Court has ruled.

2. Some comments stated that the regulation adopted today should not be implemented in a time of high unemployment in the skilled trades. It is to be noted, however, that this regulation does not require that any current apprentices or other workers be laid off or removed from apprenticeship programs.

3. A number of those favoring the regulation objected to the use of the word "qualified" modifying minorities or women in the section of the Preamble entitled "Proposed Changes." These comments pointed out that the term is not used in the current regulation or the proposed amendment. They advocated as an alternative the use of the word "trainable," claiming that there was a possibility that biased program sponsors may use this language as an excuse to exclude women on the basis that they are not "qualified." As stated previously, the regulation adopted today reflects the Department's determination that apprenticeships, like other entry level jobs, do not require any particular training or qualification other than the capability to be trained. The use of the word "qualified" in the Preamble to the proposed regulation was not intended to signify anything contrary to this position.

4. Neither the proposed regulations nor the regulations adopted today amended 29 CFR 30.5(b)(4)(B) which permits school diplomas as a qualification standard. Comments were invited, however, on the issue of whether the school diploma should be retained as an alternative selection method. A number of comments were received on this issue both in favor and opposed to the retaining of the school diploma as a permissible selection criteria. No change was made in this section because current law is clear that if a high school diploma requirement has an adverse impact on any group, it must be validated. *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971). The current regulation requires such validation in accordance with the Guidelines on Employee Selection Procedures, 41 CFR Part 60-3.

In consideration of the foregoing, 29 CFR Part 30 is hereby amended as set forth below.

Dated: May 9, 1978.

ERNEST G. GREEN,
Assistant Secretary, Employment and Training Administration.

Sec.
30.1 Scope and purpose.
30.2 Definitions.
30.3 Equal opportunity standards.
30.4 Affirmative action plans.
30.5 Selection of apprentices.
30.6 Existing lists of eligibles and public notice.
30.7 [Reserved].
30.8 Records.
30.9 Compliance reviews.
30.10 Noncompliance with Federal and State equal opportunity requirements.

Sec.
30.11 Complaint procedure.
30.12 Adjustment in schedule for compliance review or complaint processing.
30.13 Sanctions.
30.14 Reinstatement of program registration.
30.15 State Apprenticeship Councils.
30.16 Hearings.
30.17 Intimidatory or retaliatory acts.
30.18 Nondiscrimination.
30.19 Exemptions.

AUTHORITY: Sec. 1, 50 Stat. 664, as amended; 29 U.S.C. 50; 40 U.S.C. 276c; 5 U.S.C. 301; Reorganization Plan No. 14 of 1950, 64 Stat. 1267, 3 CFR 1949-53 Comp. p. 1007.

§ 30.1 Scope and purpose.

This part sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor and in state apprenticeship programs registered with recognized state apprenticeship agencies. These policies and procedures apply to the recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship. The procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs. This part also provides policies and procedures for continuation or withdrawal of recognition of state agencies for registering of apprenticeship programs for Federal purposes. The purpose of this part is to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex in apprenticeship programs, by requiring affirmative action to provide equal opportunity in such apprenticeship programs, and by coordinating this part with other equal opportunity programs.

§ 30.2 Definitions.

(a) "Department" means the U.S. Department of Labor.

(b) "Employer" means any person or organization employing an apprentice whether or not the apprentice is enrolled with such person or organization or with some other person or organization.

(c) "Apprenticeship program" means a program registered by the Department and evidenced by a Certificate of Registration as meeting the standards of the Department for apprenticeship, but does not include a state apprenticeship program.

(d) "Sponsor" means any person or organization operating an apprenticeship program, irrespective of whether such person or organization is an employer.

(e) "Secretary" means the Secretary of Labor, the Assistant Secretary of Labor for Employment and Training, or any person specifically designated by either of them.

(f) "State Apprenticeship Council" means a state apprenticeship council or other state agency in any of the 50 states, the District of Columbia, or any territory or possession of the United States, which is recognized by the Department as the appropriate agency for registering programs for Federal purposes.

(g) "State apprenticeship program" means a program registered with a State Apprenticeship Council and evidenced by a Certificate of Registration or other appropriate document as meeting the standards of the State Apprenticeship Council for apprenticeship.

(h) "State program sponsor" means any person or organization operating a State apprenticeship program, irrespective of whether such person or organization is an employer.

§ 30.3 Equal opprtunity standards.

(a) *Obligations of sponsors.* Each sponsor of an apprenticeship program shall:

(1) Recruit, select, employ, and train apprentices during their apprenticeship, without discrimination because of race, color, religion, national origin, or sex; and

(2) Uniformly apply rules and regulations concerning apprentices, including but not limited to, equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of the trade, imposition of penalties or other disciplinary action, and all other aspects of the apprenticeship program administration by the program sponsor; and

(3) Take affirmative action to provide equal opportunity in apprenticeship, including adoption of an affirmative action plan as required by this part.

(b) *Equal opportunity pledge.* Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge:

The recruitment, selection, employment, and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30.

(c) *Programs presently registered.* Each sponsor of a program registered with the Department as of the effective date of this part shall within 90 days of that effective date take the following action:

(1) Include in the standards of its apprenticeship program the equal opportunity pledge prescribed by paragraph (b) of this section;

(2) Adopt an affirmative action plan required by § 30.4; and

(3) Adopt a selection procedure required by § 30.5. A sponsor adopting a selection method under § 30.5(b) (1), (2), or (3) shall prepare, and have available for submission upon request, copies of its amended standards, affirmative action plans, and selection procedure. A sponsor adopting a selection method under § 30.5(b)(4) shall submit to the Department copies of its standards, affirmative action plan and selection procedure in accordance with the requirements of § 30.5(b)(4)(i)(a).

(d) *Sponsors seeking new registration.* A sponsor of a program seeking new registration with the Department shall submit copies of its proposed standards, affirmative action plan, selection procedures, and such other information as may be required. The program shall be registered if such standards, affirmative action plan, and selection procedure meet the requirements of this part.

(e) *Programs subject to approved equal employment opportunity programs.* A sponsor shall not be required to adopt an affirmative action plan under § 30.4 or a selection procedure under § 30.5 if it submits to the Department satisfactory evidence that it is in compliance with an equal employment opportunity program providing for the selection of apprentices and for affirmative action in apprenticeship including goals and timetables for women and minorities which has been approved as meeting the requirements of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.) and its implementing regulations published in Title 29 of the Code of Federal Regulations, Chapter XIV or Executive Order 11246, as amended, and its implementing regulations at Title 41 of the Code of Federal Regulations, Chapter 60: *Provided*, That programs approved, modified or renewed subsequent to the effective date of this amendment will qualify for this exception only if the goals and timetables for minorities and women for the selection of apprentices provided for in such programs are equal to or greater than the goals required under this part.

(f) *Program with fewer than five apprentices.* A sponsor of a program in which fewer than five apprentices are indentured shall not be required to adopt an affirmative action plan under § 30.4 or a selection procedure under § 30.5: *Provided*, That such program was not adopted to circumvent the requirements of this part.

§ 30.4 Affirmative action plans.

(a) *Adoption of affirmative action plans.* A sponsor's commitment to equal opportunity in recruitment, selection, employment, and training of apprentices shall include the adoption of a written affirmative action plan.

(b) *Definition of affirmative action.* Affirmative action is not mere passive

nondiscrimination. It includes procedures, methods, and programs for the identification, positive recruitment, training, and motivation of present and potential minority and female (minority and nonminority) apprentices including the establishment of goals and timetables. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of the work potential of minorities and women. The overall result to be sought is equal opportunity in apprenticeship for all individuals participating in or seeking entrance to the Nation's labor force.

(c) *Outreach and positive recruitment.* An acceptable affirmative action plan must also include adequate provision for outreach and positive recruitment that would reasonably be expected to increase minority and female participation in apprenticeship by expanding the opportunity of minorities and women to become eligible for apprenticeship selection. In order to achieve these objectives, sponsors shall undertake activities such as those listed below. It is not contemplated that each sponsor necessarily will include all the listed activities in its affirmative action program. The scope of the affirmative action program will depend on all the circumstances including the size and type of the program and its resources. However, the sponsor will be required to undertake a significant number of appropriate activities in order to enable it to meet its obligations under this part. The affirmative action plan shall set forth the specific steps the sponsor intends to take in the areas listed below. Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the requirements of this paragraph.

(1) Dissemination of information concerning the nature of the apprenticeship, requirements for admission to apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor. For programs accepting applications only at specified intervals, such information shall be disseminated at least 30 days in advance of the earliest date for application at each interval. For programs customarily receiving applications throughout the year, such information shall be regularly disseminated but not less than semiannually. Such information shall be given to the Department, local schools, employment service offices, women's centers, outreach programs and community organizations which can effectively reach minorities and women, and shall be published in newspapers which are circulated in the minority community and among women, as well as in the general areas in which the program sponsor operates.

(2) Participation in annual workshops conducted by employment service agencies for the purpose of familiarizing school, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.

(3) Cooperation with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.

(4) Internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under this part.

(5) Engaging in programs such as outreach for the positive recruitment and preparation of potential applicants for apprenticeships; where appropriate and feasible, such programs shall provide for pretesting experience and training. If no such programs are in existence the sponsor shall seek to initiate these programs, or, when available, to obtain financial assistance from the Department. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations. The sponsor shall also initiate programs to prepare women and encourage women to enter traditionally male programs.

(6) To encourage the establishment and utilization of programs of preapprenticeship, preparatory trade training, or others designed to afford related work experience or to prepare candidates for apprenticeship, a sponsor shall make appropriate provision in its affirmative action plan to assure that those who complete such programs are afforded full and equal opportunity for admission into the apprenticeship program.

(7) Utilization of journeypersons to assist in the implementation of the sponsor's affirmative action program.

(8) Granting advance standing or credit on the basis of previously acquired experience, training, skills, or aptitude for all applicants equally.

(9) Admitting to apprenticeship, persons whose age exceeds the maximum age for admission to the program, where such action assists the sponsor in achieving its affirmative action obligations.

(10) Other appropriate action to ensure that the recruitment, selection, employment, and training of apprentices during apprenticeship shall be without discrimination because of race, color, religion, national origin, or sex (e.g., general publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc.; use of present minority and female apprentices and journeypersons as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between the sponsor and employers of apprentices to ensure that employment opportunity is being granted, including reporting systems, on-site reviews, briefing sessions, etc.). The affirmative action program shall set forth the specific steps the sponsor intends to take, in the above areas, under this paragraph (c). Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the above requirements.

(d) *Goals and timetables.* (1) A sponsor adopting a selection method under § 30.5(b) (1) or (2) which determines on the basis of the analysis described in paragraph (e) of this section that it has deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the admission of minority and/or female (minority and nonminority) applicants into the eligibility pool.

(2) A sponsor adopting a selection method under § 30.5(b) (3) or (4) which determines on the basis of the analysis described in paragraph (e) of this section that it has deficiencies in terms of the underutilization of minorities and/or women in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the selection of minority and female (minority and nonminority) applicants for the apprenticeship program.

(3) "Underutilization" as used in this paragraph refers to the situation where there are fewer minorities and/or women (minority and nonminority) in the particular craft or crafts represented by the program than would reasonably be expected in view of an analysis of the specific factors in subparagraphs (1) through (5) in paragraph (e) of this section. Where, on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need be established. However, where no goals and timetables are established, the affirmative action plan shall include a detailed explanation why no goals and timetables have been established.

(4) Where the sponsor fails to submit goals and timetables as part of its affirmative action plan or submits goals and timetables which are unac-

ceptable, and the Department determines that the sponsor has deficiencies in terms of underutilization of minorities or women (minority and nonminority) within the meaning of this section, the Department shall establish goals and timetables applicable to the sponsor for the admission of minority and female (minority and nonminority) applicants into the eligibility pool or selection of apprentices, as appropriate. The sponsor shall make good faith efforts to attain these goals and timetables in accordance with the requirements of this section.

(e) *Analysis to determine if deficiencies exist.* The sponsor's determination as to whether goals and timetables shall be established, shall be based on an analysis of at least the following factors, which analysis shall be set forth in writing as part of the affirmative action plan.

(1) The size of the working age minority and female (minority and nonminority) population in the program sponsor's labor market area;

(2) The size of the minority and female (minority and nonminority) labor force in the program sponsor's labor market area;

(3) The percentage of minority and female (minority and nonminority) participation as apprentices in the particular craft as compared with the percentage of minorities and women (minority and nonminority) in the labor force in the program sponsor's labor market area;

(4) The percentage of minority and female (minority and nonminority) participation as journeypersons employed by the employer or employers participating in the program as compared with the percentage of minorities and women (minority and nonminority) in the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices; and

(5) The general availability of minorities and women (minority and nonminority) with present or potential capacity for apprenticeship in the program sponsor's labor market area.

(f) *Establishment and attainment of goals and timetables.* The goals and timetables shall be established on the basis of the sponsor's analyses of its underutilization of minorities and women and its entire affirmative action program. A single goal for minorities and a separate single goal for women is acceptable unless a particular group is employed in a substantially disparate manner in which case separate goals shall be established for such group. Such separate goals would be required, for example, if a specific minority group of women were underutilized even though the sponsor had achieved its standards for women generally. In establishing the goals, the sponsor should consider the results which could be reasonably expected from its good faith efforts to make its overall affirmative action program work. Compliance with these requirements shall be determined by whether the sponsor has met its goals within its timetables, or failing that, whether it has made good faith efforts to meet its goals and timetables. Its "good faith efforts" shall be judged by whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to obtain the maximum effectiveness toward the attainment of its goals. However, in order to deal fairly with program sponsors, and with women who are entitled to protection under the goals and timetables requirements, during the first 12 months after the effective date of these regulations, the program sponsor would generally be expected to set a goal for women for the entering year class at a rate which is not less than 50 percent of the proportion women are of the workforce in the program sponsor's labor market area and set a percentage goal for women in each class beyond the entering class which is not less than the participation rate of women currently in the preceding class. At the end of the first 12 months after the effective date of these regulations, sponsors are expected to make appropriate adjustments in goal levels. See 29 CFR 30.8(b).

(g) *Data and information.* The Secretary of Labor, or a person or agency designated by the Secretary, shall make available to program sponsors data and information on minority and female (minority and nonminority) labor force characteristics for each Standard Metropolitan Statistical Area and for other special areas as appropriate.

§ 30.5 Selection of apprentices.

(a) *Obligations of sponsors.* In addition to the development of a written affirmative action plan to ensure that minorities and women have an equal opportunity for selection as apprentices and otherwise ensure the prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its affirmative action program that the selection of apprentices shall be made under one of the methods specified in the following subparagraphs (1) through (4) of paragraph (b) of this section.

(b) *Selection methods.* The sponsor shall adopt one of the following methods for selecting apprentices:

(1) *Selection on basis of rank from pool of eligible applicants*—(i) *Selection.* A sponsor may select apprentices from a pool of eligible applicants created in accordance with the requirements of subdivision (iii) of this subparagraph on the basis of the rank order of scores of applicants on one or more qualification standards where there is a significant statistical relationship between rank order of scores and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall follow the procedures set forth in Guidelines on Employee Selection Procedures published at 41 CFR Part 60-3.

(ii) *Requirements.* The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (iii) through (vii) of this subparagraph.

(iii) *Creation of pool of eligibles.* A pool of eligibles shall be created from applicants who meet the qualifications of minimum legal working age; or from applicants who meet qualification standards in addition to minimum legal working age: *Provided,* That any additional qualification standards conform with the following requirements:

(A) *Qualification standards.* The qualification standards, and the procedures for determining such qualification standards, shall be stated in detail and shall provide criteria for the specific factors and attributes to be considered in evaluating applicants for admission to the pool. The score required under each qualification standard for admission to the pool shall also be specified. All qualification standards, and the score required on any standard for admission to the pool, shall be directly related to job performance, as shown by a significant statistical relationship between the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall follow the procedures set forth in 41 CFR Part 60-3. Qualifications shall be considered as separately required so that the failure of an applicant to attain the specified score under a single qualification standard shall disqualify the applicant from admission to the pool.

(B) *Aptitude tests.* Any qualification standard for admission to the pool consisting of aptitude test scores shall be directly related to job performance, as shown by significant statistical relationships between the score on the aptitude tests required for admission to the pool, and performance in the apprenticeship program. In determining such relationship, the sponsor shall follow the procedures set forth in 41 CFR Part 60-3. The requirements of this subparagraph (B) shall also be applicable to aptitude tests utilized by a program sponsor which are administered by a state employment agency, or any other person, agency, or organization engaged in the selection or evaluation of personnel. A national test developed and administered by a na-

tional joint apprenticeship committee will not by approved by the Department unless such test meets the requirements of this subsection.

(C) *Educational attainments.* All educational attainments or achievements as qualifications for admission to the pool shall be directly related to job performance as shown by a significant statistical relationship between the score required for admission to the pool and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall meet the requirements of 41 CFR Part 60-3. School records or a passing grade on the general education development tests recognized by the State or local public instruction authority shall be evidence of educational achievement. Education requirements shall be applied uniformly to all applicants.

(iv) *Oral interviews.* Oral interviews shall not be used as a qualification standard for admission into an eligibility pool. However, once an applicant is placed in the eligibility pool, and prior to selection for apprenticeship from the pool, he or she may be required to submit to an oral interview. Oral interviews shall be limited to such objective questions as may be required to determine the fitness of applicants to enter the apprenticeship program, but shall not include questions relating to qualifications previously determined in gaining entrance to the eligibility pool. When an oral interview is used, each interviewer shall record the questions and the general nature of the applicant's answers, and shall prepare a summary of any conclusions. Each applicant rejected from the pool of eligibles on the basis of an oral interview shall be given a written statement of such rejection, the reasons therefor, and the appeal rights available to the applicant.

(v) *Notification of applicants.* All applicants who meet the requirements for admission shall be notified and placed in the eligibility pool. The program sponsor shall give each rejected applicant who is not selected for the pool or the program notice of his or her rejection, including the reasons for the rejection, the requirements for admission to the pool of eligibles, and the appeal rights available to the applicant.

(vi) *Goals and timetables.* The sponsor shall establish where required by § 30.4(d), percentage goals and timetables for the admission of minorities and women (minority and nonminority) into the pool of eligibles, in accordance with the provisions of § 30.4 (d), (e), and (f).

(vii) *Compliance.* A sponsor shall be deemed to be in compliance with its commitments under subdivision (vi) of this subparagraph if it meets its goals or timetables or if it makes a good faith effort to meet these goals and timetables. In the event of the failure of the sponsor to meet its goals and timetables, it shall be given an opportunity to demonstrate that it has made every "good faith effort" to meet its commitments (see § 30.4(f)). All the actions of the sponsor shall be reviewed and evaluated in determining whether such good faith efforts have been made.

(2) *Random selection from pool of eligible applicants*—(i) *Selection.* A sponsor may select apprentices from a pool of eligible applicants on a random basis. The method of random selection is subject to approval by the Department. Supervision of the random selection process shall be by an impartial person or persons selected by the sponsor, but not associated with the administration of the apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, shall be announced. The place of the selection shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.

(ii) *Requirements.* The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (iii) through (v) of subparagraph (1) of this paragraph relating to the creation of pool of eligibles, oral interviews, and notification of applicants.

(iii) *Goals and timetables.* The sponsor shall establish, where required by § 30.4(d), percentage goals and timetables for admission of minorities and women (minority and nonminority) into the pool of eligibles in accordance with the provisions of sections 30.4 (d), (e), and (f).

(iv) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph (1) of this paragraph (b).

(3) *Selection from pool of current employees*—(i) *Selection.* A sponsor may select apprentices from an eligibility pool of the workers already employed by the program sponsor in a manner prescribed by a collective bargaining agreement where such exists, or by the sponsor's established promotion policy. The sponsor adopting this method of selecting apprentices shall establish goals and timetables for the selection of minority and female apprentices, unless the sponsor concludes, in accordance with the provisions of § 30.4 (d), (e), and (f) that it does not have deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the apprenticeship of journeyperson crafts represented by the program.

(ii) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with provisions of subdivision (vii) of subparagraph (1) of this paragraph (b).

(4) *Alternative selection methods*—(i) *Selection.* A sponsor may select apprentices by means of any other method including its present selection method: *Provided,* That the sponsor meets the following requirements:

(A) *Selection method and goals and timetables.* Within 90 days of the effective date of this amendment, the sponsor shall complete development of the revised selection method it proposes to use along with the rest of its written affirmative action program including, where required by § 30.4(d), its percentage goals and timetables for the selection of minority and/or female (minority and nonminority) applicants for apprenticeship and its written analysis, upon which such goals and timetables, or lack thereof, are based. The establishment of goals and timetables shall be in accordance with the provisions of § 30.4 (d), (e), and (f). The sponsor may not implement any such selection method until the Department has approved the selection method as meeting the requirements of item (B) of this subdivision and has approved the remainder of its affirmative action program including its goals and timetables. If the Department fails to act upon the selection method and the affirmative action program within 30 days of its submission, the sponsor then may implement the selection method.

(B) *Qualification standards.* Apprentices shall be selected on the basis of objective and specific qualification standards. Examples of such standards are fair aptitude tests, school diplomas or equivalent, occupationally essential health requirements, fair interviews, school grades, and previous work experience. Where interviews are used, adequate records shall be kept including a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, and willingness to accept direction which are part of the total judgement. In applying any such standards, the sponsor shall meet the requirements of 41 CFR Part 60-3.

(ii) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivisions (vii) of subparagraph (1) of this paragraph (b). Where a sponsor, despite its good faith efforts, fails to meet its goals and timetables within a reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative action program to the extent necessary to obtain maximum effectiveness toward the attainment of its goals. The sponsor may also be required to develop and adopt an alter-

native selection method, including a method prescribed by the Department, where it is determined that the failure of the sponsor to meet its goals is attributable in substantial part to the selection method. Where the sponsor's failure to meet its goals is attributable in substantial part to its use of a qualification standard which has adversely affected the opportunities of minorities and/or women (minority and nonminority) for apprenticeship, the sponsor may be required to demonstrate that such qualification standard is directly related to job performance, in accordance with the provisions of subparagraph (1)(iii)(A) of this paragraph.

§ 30.6 Existing lists of eligibles and public notice.

A sponsor adopting a selection method under § 30.5(b) (1) or (2) and a sponsor adopting a selection method under § 30.5(b)(4) who determines that there are fewer minorities and/or women (minority and nonminority) on its existing lists of eligibles than would reasonably be expected in view of the analysis described in § 30.4(c) shall discard all existing eligibility lists upon adoption of the selection methods required by this part. New eligibility pools shall be established and lists of eligibility pools shall be posted at the sponsor's place of business. Sponsors shall establish a reasonable period of not less than 2 weeks for accepting applications for admission to an apprenticeship program. There shall be at least 30 days of public notice in advance of the earliest date for application for admission to the apprenticeship program (see § 30.4(c) on affirmative action with respect to dissemination of information). Applicants who have been placed in a pool of eligibles shall be retained on lists of eligibles subject to selection for a period of 2 years. Applicants may be removed from the list at an earlier date by their request or following their failure to respond to an apprentice job opportunity given by certified mail, return receipt requested. Applicants who have been accepted in the program shall be afforded a reasonable period of time in light of the customs and practices of the industry for reporting for work. All applicants shall be treated equally in determining such period of time. It shall be the responsibility of the applicant to keep the sponsor informed of his or her current mailing address. Upon request, a sponsor may restore to the list of eligibles applicants who have been removed from the list or who have failed to respond to an apprenticeship job opportunity.

§ 30.7 [Reserved]

§ 30.8 Records.

(a) *Obligations of sponsors.* Each sponsor shall keep adequate records including a summary of the qualifications of each applicant, the basis for evaluation and for selection or rejection of each applicant, the records pertaining to interviews of applicants, the original application for each applicant, information relative to the operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay, or other forms of compensation or conditions of work, hours including hours of work and, separately, hours of training provided, and any other records pertinent to a determination of compliance with these regulations, as may be required by the Department. The records pertaining to individual applicants, selected or rejected, shall be maintained in such manner as to permit identification of minority and female (minority and nonminority) participants.

(b) *Affirmative action plans.* Each sponsor must retain a statement of its affirmative action plan required by § 30.4 for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analyses made pursuant to the requirements of § 30.4. Sponsors shall review their affirmative action plans annually and update them where necessary, including the goals and timetables.

(c) *Qualification standards.* Each sponsor must maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in § 30.5(b).

(d) *Records of State Apprenticeship Councils.* State Apprenticeship Councils shall keep adequate records, including registration requirements, individual program standards and registration records, program compliance reviews and investigations, and any other records pertinent to a determination of compliance with this part, as may be required by the Department, and shall report to the Department as may be required by the Department.

(e) *Maintenance of records.* The records required by this part and any other information relevant to compliance with these regulations shall be maintained for 5 years and made available upon request to the Department or other authorized representative.

§ 30.9 Compliance reviews.

(a) *Conduct of compliance reviews.* The Department will regularly conduct systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with these regulations and will also conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pursuant to § 30.11(b)(1), so warrant, and take appropriate action regarding programs which are not in compliance with the requirements of this part. Compliance reviews will consist of comprehensive analyses and evaluations of each aspect of the apprenticeship program, including onsite investigations and audits.

(b) *Reregistration.* Sponsors seeking reregistration shall be subject to a compliance review as described in paragraph (a) of this section by the Department as part of the reregistration process.

(c) *New registrations.* Sponsors seeking new registration shall be subject to a compliance review as described in paragraph (a) of this section by the Department as part of the registration process.

(d) *Voluntary compliance.* Where the compliance review indicates that the sponsor is not operating in accordance with this part, the Department shall notify the sponsor in writing of the results of the review and make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before undertaking sanctions under § 30.13. In the case of sponsors seeking new registration, the Department will provide appropriate recommendations to the sponsor to enable it to achieve compliance for registration purposes.

§ 30.10 Noncompliance with Federal and state equal opportunity requirements.

A pattern or practice of noncompliance by a sponsor (or where the sponsor is a joint apprenticeship committee, by one of the parties represented on such committee) with Federal or state laws or regulations requiring equal opportunity may be grounds for the imposition of sanctions in accordance with § 30.13 if such noncompliance is related to the equal employment opportunity of apprentices and/or graduates of such an apprenticeship program under this part. The sponsor shall take affirmative steps to assist and cooperate with employers and unions in fulfilling their equal employment opportunity obligations.

§ 30.11 Complaint procedure.

(a) *Filing.* (1) Any apprentice or applicant for apprenticeship who believes that he or she has been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards with respect to his or her selection have not been followed in the operation of an apprenticeship program may, personally or through an authorized representative, file a complaint with the Department, or, at the apprentice's or applicant's election, with a private review body established pursuant to subparagraph (3) of this paragraph. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address and telephone number of the person allegedly discriminated against, the pro-

gram sponsor involved, and a brief description of the circumstances of the failure to apply the equal opportunity standards provided for in this part.

(2) The complaint must be filed not later than 180 days from the date of the alleged discrimination or specified failure to follow the equal opportunity standards; and, in the case of complaints filed directly with review bodies designated by program sponsors to review such complaints, any referral of such complaint by the complainant to the Department must occur within the time limitation stated above or 30 days from the final decision of such review body, whichever is later. The time may be extended by the Department for good cause shown.

(3) Sponsors are encouraged to establish fair, speedy, and effective procedures for a review body to consider complaints of failure to follow the equal opportunity standards. A private review body established by the program sponsor for this purpose should number three or more responsible persons from the community serving in this capacity without compensation. Members of the review body should not be directly associated with the administration of an apprenticeship program. Sponsors may join together in establishing a review body to serve the needs of programs within the community.

(b) *Processing of complaints.* (1)(i) When the sponsor has designated a review body for reviewing complaints, the Department, unless the complainant has indicated otherwise or unless the Department has determined that the review body will not effectively enforce the equal opportunity standards, shall upon receiving a complaint refer it to the review body.

(ii) The Department shall, within 30 days following the referral of a complaint to the review body, obtain reports from the complainant and the review body as to the disposition of the complaint. If the complaint has been satisfactorily adjusted and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.

(iii) When a complaint has not been resolved by the review body within 90 days or where, despite satisfactory resolution of the particular complaint by the review body, there is evidence that equal opportunity practices of the apprenticeship program are not in accordance with this part, the Department may conduct such compliance review as found necessary, and will take all necessary steps to resolve the complaint.

(2) Where no review body exists, the Department may conduct such compliance review as found necessary in order to determine the facts of the complaint, and obtain such other information relating to compliance with these regulations as the circumstances warrant.

(3) Sponsors shall provide written notice of the above complaint procedure to all applicants for apprenticeship and all apprentices.

§ 30.12 Adjustments in schedule for compliance review or complaint processing.

If, in the judgment of the Department, a particular situation warrants and requires special processing and either expedited or extended determination, it shall take the steps necessary to permit such determination if it finds that no person or party affected by such determination will be prejudiced by such special processing.

§ 30.13 Sanctions.

(a) Where the Department, as a result of a compliance review or other reason, determines that there is reasonable cause to believe that an apprenticeship program is not operating in accordance with this part and voluntary corrective action has not been taken by the program sponsor, the Department shall institute proceedings to deregister the program or it shall refer the matter to the Equal Employment Opportunity Commission or to the Attorney General with recommendations for the institution of a court action under Title VII of the Civil Rights Act of 1964, as amended, or to the Attorney General for other court action as authorized by law.

(b) Deregistration proceedings shall be conducted in accordance with the following procedures:

(1) The Department shall notify the sponsor, in writing, that a determination of reasonable cause has been made under paragraph (a) of this section and that the apprenticeship program may be deregistered unless, within 15 days of the receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the determination is based.

(2) If within 15 days of the receipt of the notice provided for in subparagraph (1) of this paragraph the sponsor mails a request for a hearing, the Secretary shall convene a hearing in accordance with § 30.16.

(3) The Secretary shall make a final decision on the basis of the record, which shall consist of the compliance review file and other evidence presented and, if a hearing was conducted pursuant to § 30.16, the proposed findings and recommended decision of the hearing officer. The Secretary may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Secretary's decision is that the apprenticeship program is not operating in accordance with this part, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the Secretary shall make public notice of the order and shall notify the sponsor and the complainant, if any.

§ 30.14 Reinstatement of program registration.

Any apprenticeship program deregistered pursuant to this part may be reinstated upon presentation of adequate evidence to the Secretary that the apprenticeship program is operating in accordance with this part.

§ 30.15 State Apprenticeship Councils.

(a) *Adoption of consistent state plans.* (1) The Department shall encourage State Apprenticeship Councils to adopt and implement the requirements of this part.

(2) Within 60 days of the effective date of these regulations, each State Apprenticeship Council shall complete development of a revised equal opportunity plan which shall be consistent with this part. The revised State plan shall require all state apprenticeship programs registered with the State Apprenticeship Council to comply with the requirements of the revised State plan within 90 days of the effective date of these regulations. No State Apprenticeship Council shall continue to be recognized by the Department if it has not adopted within 60 days of the effective date of these regulations a plan implementing the requirements of this part.

(3) The Department retains authority to conduct compliance reviews and complaint investigations to determine whether the state plan or any state apprenticeship program registered with a State Apprenticeship Council is being administered or operated in accordance with this part.

(4) It shall be the responsibility of the State Apprenticeship Council to take the necessary action to bring a noncomplying program into compliance with the state plan. In the event the State Apprenticeship Council fails to fulfill this responsibility, the Secretary may withdraw the recognition for Federal purposes of any or all state apprenticeship programs, in accordance with the procedures of deregistration of programs registered by the Department, or refer the matter to the Equal Employment Opportunity Commission or to the Attorney General with a recommendation for the institution of a court action under Title VII of the Civil Rights Act of 1964, as amended, or to the Attorney General for other court actions as authorized by law.

(5) Each State Apprenticeship Council shall notify the Department of any state apprenticeship program deregistered by it.

(6) Any state apprenticeship program deregistered by a State Apprenticeship Council for noncompliance with requirements of this part may,

within 15 days of the receipt of a notice of deregistration, appeal to the Department to set aside the determination of the State Apprenticeship Council. The Department shall make its determination on the basis of the record. The Department may grant the state program sponsor, the State Apprenticeship Council and the complainant(s), if any, the opportunity to present oral or written argument.

(b) *Withdrawal of recognition.* (1) Whenever the Department determines that reasonable cause exists to believe that State Apprenticeship Council has not adopted or implemented a plan in accordance with the equal opportunity requirements of this part, it shall give notice to such State Apprenticeship Council and to appropriate state sponsors of this determination, stating specifically wherein the state's plan fails to meet such requirements and that the Department proposes to withdraw recognition for Federal purposes, from the State Apprenticeship Council unless within 15 days of the receipt of the notice, the State Apprenticeship Council complies with the provisions of this part or mails a request for a hearing to the Secretary.

(2) If within 15 days of the receipt of the notice provided for in subparagraph (1) of this paragraph the State Apprenticeship Council neither complies with the provisions of this part, nor mails a request for a hearing, the Secretary shall notify the State Apprenticeship Council of the withdrawal of recognition.

(3) If within 15 days of the receipt of the notice provided for in subparagraph (1) of this paragraph the State Apprenticeship Council mails a request for a hearing, the Secretary shall proceed in accordance with § 30.16.

(4) If a hearing is conducted in accordance with § 30.16, the Secretary upon receipt of the proposed findings and recommended decision of the hearing officer shall make a final decision whether the State Apprenticeship Council has adopted or implemented a plan in accordance with the equal opportunity requirements of this part.

(5) If the Secretary determines to withdraw recognition, for Federal purposes, from the State Apprenticeship Council, the Secretary shall notify the State Apprenticeship Council of this determination. The Secretary shall also notify the State sponsors that within 30 days of the receipt of the notice the Department shall cease to recognize, for Federal purposes, each State apprenticeship program unless the State program sponsor requests registration with the Department. Such registration may be granted contingent upon finding that the State apprenticeship program is operating in accordance with the requirements of this part.

(6) A State Apprenticeship Council whose recognition has been withdrawn pursuant to this part may have its recognition reinstated upon presentation of adequate evidence to the Secretary that it has adopted and implemented a plan carrying out the equal opportunity requirements of this part.

§ 30.16 Hearings.

(a) Within 10 days after receiving a request for a hearing, the Secretary shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by certified mail, return receipt requested, to the appropriate sponsor (Federal or state registered), the State Apprenticeship Council, or both, as the case may be. Such notice shall include (1) a reasonable time and place of hearing, (2) a statement of the provisions of this part, pursuant to which the hearing is to be held, and (3) a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his or her case including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the Secretary upon the basis of the record before them.

§ 30.17 Intimidatory or retaliatory acts.

Any intimidation, threat, coercion, or retaliation by or with the approval of any sponsor against any person for the purpose of interfering with any right or privilege secured by Title VII of the Civil Rights Act of 1964, as amended, Executive Order 11246, as amended, or because he or she has made a complaint, testified, assisted, or participated in any manner in any investigation proceeding, or hearing under this part shall be considered noncompliance with the equal opportunity standards of this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing or judicial proceeding arising therefrom.

§ 30.18 Nondiscrimination.

The commitments contained in the sponsor's affirmative action program are not intended and shall not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, or sex.

§ 30.19 Exemptions.

Request for exemption from these regulations, or any part thereof, shall be made in writing to the Secretary and shall contain a statement of reasons supporting the request. Exemptions may be granted for good cause. State Apprenticeship Councils shall notify the Department of any such exemptions granted affecting a substantial number of employers and the reasons therefor.

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federal register

FRIDAY, APRIL 7, 1978
PART IV

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

■

GOALS AND TIMETABLES FOR FEMALE AND MINORITY PARTICIPATION IN THE CONSTRUCTION INDUSTRY

Affirmative Action Requirements

194

[4510-27]

Title 41—Public Contract and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-4—CONSTRUCTION CONTRACTORS—AFFIRMATIVE ACTION REQUIREMENTS

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Final rule.

SUMMARY: The regulations published today establish specific affirmative action standards for women in construction and consolidate and standardize requirements for construction contractors and subcontractors subject to Executive Order 11246, as amended to promote equal employment opportunity in the construction industry. In addition, this document deletes certain regulations which are superseded.

EFFECTIVE DATE: These regulations shall take effect May 8, 1979.

FOR FURTHER INFORMATION CONTACT: William Raymond, Associate Director, OFCCP. Phone, 202-523-9447.

SUPPLEMENTARY INFORMATION: On August 16, 1977, the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, published in the FEDERAL REGISTER (42 FR 41378) a proposal to establish a new Part 41 CFR 60-4. The proposal set out specific regulations for the construction industry pursuant to Executive Order 11246, as amended. (30 FR 12319, 32 FR 14303) Comments from interested parties were received until October 15, 1977.

Over 510 separate written comments, presenting a broad spectrum of views, were submitted by individuals and groups. Over 235 comment letters were submitted by individuals on behalf of themselves; 61 by contractors; 56 by contractor associations; 48 by women's groups; 10 by law firms and consultant organizations; 42 by Federal, state, and local government agencies; and 32 by other organizations. Additional comments were received which were postmarked after October 15, 1977. These latter comments were analyzed and considered but they were not included in the count set forth above. Each submission has been thoroughly reviewed and each specific criticism and suggestion has been given careful consideration.

The majority of the comments were general in nature and contained no specific suggestion; rather they either expressed support for or opposition to the proposed rules. Two hundred forty three of the comment letters, primarily from individuals, expressed general support and urged the Department of Labor to adopt the proposal as final regulations. Twenty-seven of the comments primarily from contractors and unions, urged the Department of Labor either to delay the issuance of final regulations or to withdraw the proposal in its entirety. A small number of the comment letters requested that the Department of Labor delay final rulemaking and hold public hearings on the proposal.

SUMMARY OF COMMENTS

1. Other comments, primarily from contractors, expressed the view that the Department of Labor should withhold its decision on final regulations until the U.S. Supreme Court has rendered its decision in *The Regents of the University of California* v. *Allen Bakke*. These comments maintained that the Department's final regulation for the construction compliance program, particularly goal achievement level, would have to be consistent with the Supreme Court's decision in *Bakke*.

2. The obligation of federally involved construction contractors to take affirmative action to ensure equal employment opportunity, particularly for women, was a major issue treated by almost all the comments. In general, those comments received from contractors, contractor associations and unions, while recognizing that the industry's legal obligation to take affirmative action, expressed concern about the nature of the required actions. These comments characterize the goal levels as quotas and state that the goals would require contractors to hire unqualified persons, that qualified women craft workers are not available, that contractors would be required to displace other workers with women because of high unemployment in the industry, and that the required actions, particularly the recordkeeping requirements, placed an additional cost burden on contractors which would be difficult for small contractors to absorb.

3. Comments received from most women's organizations, community groups, and most of the Federal, state and local government agencies praised the proposal. These groups stated that without the specified affirmative action steps, particularly the goals and timetables, very little would be done to increase the participation of women in the construction industry. However, many of the comments from these groups stated that the specified goal levels were too low and achievement of them would constitute no real improvement of the position of women craft workers in the industry.

4. A number of comments from the construction industry (contractors and contractor associations) expressed the opinion that the obligation to take affirmative action to advance employment opportunity for minorities and females should be shared equally by contractors and their unions. Additionally, these comments stated that the effect of paragraphs 4 and 7d of the specifications in § 60-4.3(a) would be to require contractors to violate the exclusive referral provision in collective bargaining agreements with the unions, which, they say, would subject them to litigation under the National Labor Relations Act.

5. Construction industry comments also expressed concern about the extension of coverage of the affirmative action requirements to all federally involved construction contracts in excess of $10,000. These comments pointed out that in the regulations for supply and service contractors, written affirmative action program requirements attach only to contracts of $50,000 or more. Women's organizations, community groups, and some Government agencies felt that this coverage was needed to provide equal employment opportunities for minorities and women.

6. A number of the construction industry comments raised two concerns about paragraph 12 of the Standard Federal Equal Employment Opportunity Construction Contract Specifications (hereinafter, Specifications) which is set forth in § 60-4.3(a). They were concerned about obtaining an up-to-date list of debarred contractors and whether the prohibition extended to the contractor's non-Federal work.

7. Construction industry comments also expressed an inability to comply with the antiharassment provision in paragraph 7a of the Specifications which would require the contractor to ensure and maintain a working environment free of harassment, intimidation and coercion.

8. Women's organizations and a few Government agencies were concerned about the problems of double counting minority women. Women's organizations want minority women to be counted exclusively toward the achievement of the female goal level.

9. Construction industry comments expressed the view that paragraph 7o of the Specifications, which requires the contractor to document and maintain a record of all solicitations of offers from minority and female construction contractors and suppliers, constitutes a requirement to subcontract with minority and female companies, and questioned the authority of the Department of Labor to impose such a requirement under the Executive Order.

10. The different requirements imposed on construction contractors by Federal, state and local laws was a concern of the construction industry. They suggested that the rules be revised to provide that the Federal EEO

requirements would supersede all others. Women's organizations expressed concern that the proposal contained requirements, particularly goal levels, less rigorous than local statutes. They suggested that the more stringent of the two, particularly the higher goal levels, be required.

11. A few construction industry comments pointed out that the proposal apparently was a vehicle for establishing a nationwide program of specific affirmative action requirements for all covered construction. A few community organizations and women's groups applauded the Department's intention to establish this nationwide construction compliance program, expressing, however, concerns about the Department's ability to enforce such requirements.

12. Construction industry commentors also expressed concern about expanding the coverage of the construction compliance provisions to the contractor's entire work force rather than restricting it to federally involved projects.

13. In addition to specific suggestions, comments and views expressed on the provisions of the proposal, two alternative approaches to achieving equal employment opportunity in the construction industry were suggested. The AFL-CIO Building and Construction Trades Department submitted an alternative set of regulations patterned after the affirmative action requirements under section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793). These alternative regulations provided for outreach, recruitment, and training, as well as analysis of job skill requirements and the dissemination of EEO policies, but did not include goals and timetables for the employment of minorities and women. The other approach, suggested by other unions and contractors, would emphasize outreach, recruitment and apprenticeship training as the means for advancing equal employment opportunity for women and minorities in the construction industry.

14. Hometown plans and voluntary efforts to advance equal employment opportunity were a specific concern of about 25 comments. The construction industry was concerned about the possibility that the proposal would have a chilling effect on voluntary joint labor, management and community efforts to increase the participation of women and minorities in the industry. Community organizations, Government agencies, and women's groups were concerned about the effectiveness of the current Hometown Plan structure. Specifically, they believe that these plans are being used by contractors and unions to shirk their obligations under the Executive Order.

15. Many comments were received from women's organizations, contractor associations and contracting and compliance agencies which requested that greater specificity be provided in the regulations regarding the time frame for notification to compliance agencies by contracting agencies and the notification by construction contractors to the compliance agency or the OFCCP of contractors and subcontracts awarded. Also, comments were received from several contracting agencies which indicated that the use of the term "offers" as opposed to "bidders" is inconsistent with the contracting terminology of those agencies.

16. Comments from women's groups as well as from some contractors expressed concern that the provision of paragraph 7a of the specifications that two or more women be assigned to a project may prevent one woman from obtaining a job if another woman is not available for employment at the project.

17. A number of comments were received from contractors and contractor associations requesting that an accommodation be made in the regulations to make less burdensome the record-keeping requirement of construction contractors and subcontractors, particularly small contractors.

18. Comments were received from women's groups which requested that the requirements be structured to prevent the hiring of one group to the exclusion of another, *e.g.*, the hiring of white women to the exclusion of minority women or vice-versa.

19. Over the years, the OFCCP has responded to numerous requests from compliance and contracting agencies concerning the appropriate regulations applicable to construction contracts or subcontracts which are necessary, in whole or in part, to the performance of nonconstruction contracts. That is, a nonconstruction contractor must undertake construction work in order to perform its nonconstruction contract.

In the Discussion section below we will take up each of the issues treated in the comments as we analyze the regulations on a section-by section basis.

BACKGROUND

Executive Order 11246, as amended, prohibits covered Federal contractors and subcontractors from discriminating against any employee or applicant for employment based on race, color, religion, sex, or national origin. In addition, contractors and subcontractors are required to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Section 201 of the Order provides that the Secretary of Labor shall adopt rules, regulations and orders as he deems necessary and appropriate to achieve the purposes of the Order. The regulations adopted today apply to Federal and federally assisted construction contractors and subcontractors.

Presently, all nonexempt Federal and federally assisted construction contractors are required to comply with the Equal Opportunity clause published at 41 CFR 60-1.4 (a) and (b). (Executive Order 11246, § 301.) In addition, to implement the affirmative action obligation of construction contractors and subcontractors set forth in § 202 of the Executive Order, the Office of Federal Contract Compliance Programs (OFCCP) has developed three different types of affirmative action programs. The programs include Imposed Plans, Hometown Plans, and Special Bid Conditions.

Imposed Plans for the most part cover major metropolitan areas where there is substantial Federal or federally assisted construction, and apply only to those projects which are in excess of $500,000. These areas include Philadelphia, Washington, D.C., San Francisco, St. Louis, Atlanta, Camden, and Chicago. Imposed Plans generally have been published in 41 CFR Chapter 60 but the Philadelphia Imposed Plan has not been codified in the Code of Federal Regulations.

Hometown Plans are tripartite agreements among the contractors and the unions in a local area and the local minority community. The three groups develop a plan for compliance with the Executive Order and present it to the OFCCP for approval. If the plan is approved, it constitutes the contractors' obligations under the Executive Order and so long as they comply with the plan they also are in compliance with the Order. Presently, there are 33 Hometown Plans in operation.

Special Bid Conditions apply to contractors working on certain high impact projects which are being constructed in an area which is not covered by a Hometown or Imposed Plan.

These three types of affirmative action plans are not implemented through a regulatory scheme. Rather they are included in the solicitations which precede the award of contracts. One of the problems with this process is that substantial Federal or federally assisted construction is being conducted without benefit of specific affirmative action requirements. Also, contracting officers are confused by the different types of affirmative action plans and sometimes do not know which ones cover specific geographical areas or projects. In addition, some contracting agencies do not adhere to the different notices and formats developed by OFCCP. The imposed plans present a special problem because a number of contractors sometimes fail to sign the certification

which appears in the appendix of Imposed Plans. Failure to sign the certification frequently has been unrelated to the contractors' commitment to the affirmative action requirements. However, the certification has been held to be a material part of the bid and those bids which have not contained a signed certification have been rejected as nonresponsive. A number of these rejected bids have been the low bids, and the result has been to increase the cost of construction to the Government.

Another deficiency in the present scheme is that no specific affirmative action standards are applicable to women in the construction industry.

Under present procedures compliance agencies develop Special Bid Conditions for high impact projects for which they have compliance responsibility. OFCCP approves the Bid Conditions, which have application only to the project for which they were approved. Accordingly, if a compliance agency fails to develop Special Bid Conditions for a project for which it has compliance responsibility, the project is not covered by an affirmative action plan (i.e., if the project is not in an area covered by a Hometown or an Imposed Plan). This would be true even though another project in the same labor market area may be covered by Special Bid Conditions developed by another compliance agency. The Special Bid Conditions do apply, however, to a covered contractor's entire workforce working in the labor market area where the covered project is located although some employees may not work on the project.

To correct these deficiencies, the Department of Labor today is adopting regulations which discontinue and terminate the use of certain practices and formats and which establish a new 41 CFR Part 60-4 covering construction contractors and subcontractors. This new Part 60-4, however, will not relieve contractors of the obligations they may have under state or local affirmative action or equal employment opportunity programs. Similarly, this Part 60-4 will not relieve the contractors of local resident hiring requirements such as those in the Public Works Employment Act of 1977 and the Community Development Block Grant Program.

Specifically Parts 60-3 through 60-8 and Parts 60-10 through 60-11 (the published Imposed Plans) and the Philadelphia Plan are hereby deleted. Although hometown Plans will be continued, signatories to those plans are required to submit goals and timetables for the utilization of women to the Director of OFCCP within 45 days from the effective date of the regulations, which goals shall not be less than those contained in the Notice published elsewhere in the FEDERAL REGISTER today which establishes goals for women in the construction industry.

Imposed plans and Special Bid Conditions are discontinued as a means of complying with the Executive Order. In addition, the New Form for Federal Equal Employment Opportunity Bid Conditions for Federal and Federally Assisted Construction (41 FR 32482), commonly known as the Model Federal EEO Bid Conditions, is discontinued.

The new Part 60-4 applies to all Federal and federally assisted construction contractors and subcontractors holding Federal or federally assisted construction contracts or subcontracts in excess of $10,000. Procedures also are established which all Federal contracting officers and applicants shall follow in awarding Federal or federally assisted construction contracts. The regulations also establish procedures administering agencies shall follow in making grants which result in the award of federally assisted construction contracts.

DISCUSSION

Section 60-4.1. This section establishes the scope and application of Part 60-4. By the terms of this section, Part 60-4 applies to all contractors and subcontractors who have a Federal or federally assisted construction contract or subcontract in excess of $10,000.

1. Contractors opposed the extension of coverage to contracts in excess of $10,000 (see item 5 in the Summary Comments). The Department of Labor's view is that it is appropriate to extend coverage to those contracts in excess of $10,000. This view is based on the point that contracts in excess of $10,000 represents a substantial expenditure of Federal dollars.

It also represents the level at which regulations implementing the Executive Order establish coverage for nonconstruction contractors (see 41 CFR 60-1.5(a)). Prior to the regulations published today, coverage was based on the value of the construction project and any contractor working on a project whose value was $500,000 or more was covered regardless of the value of the contract held by an individual contractor or subcontractor. We believe, however, that coverage is based more appropriately on the amount of the contract held by the individual contractor and this position is consistent with coverage of nonconstruction contracts. We also believe that the in excess of $10,000 volume is reasonable and promotes uniformity among contractors by treating construction contractors and nonconstruction contractors equally (see 41 CFR 60-1.5(a)).

2. This section also codifies an OFCCP policy of covering construction work performed by construction contractors for nonconstruction contractors which is necessary in whole or in part to the performance of a nonconstruction contract in excess of $10,000. Although this provision was not contained in the August 16, 1977, proposal, it does not establish new requirements. Rather publication in these regulations simply codifies an existing policy and practice.

Section 60-4.2. This section creates a new notice to be included in all solicitations for offers and bids on all Federal and federally assisted construction contracts and subcontracts.

1. The notice is required to be included in the solicitation for Federal or federally assisted construction contracts in excess of $10,000.

2. Nonconstruction contractors who contract with construction contractors for construction work which is necessary in whole or in part to the performance of a covered nonconstruction contractor must also include the notice in such contracts.

3. The notice will be included in all bid documents to put the contractor on notice that the prospective contract (in excess of $10,000) is subject to the Executive Order. The notice also informs the bidder or offeror of the applicable goals and other requirements to which any contract resulting from the solicitation will be subject. Also, the word "bidders" has been added to the notice to accommodate those compliance agencies whose contract terminology does not include the word "offeror." (See item 15 in the Summary of Comments.)

4. The notice also requires the successful bidder to provide notice to the appropriate compliance agency and the OFCCP within 10 working days of the award of a subcontract under the contract. No specific notice form is required but the notice must be in writing and it must contain the name, address, and telephone number of the subcontractor; the dollar amount of the subcontract; and the geographical area in which the contract is to be performed.

Section 60-4.3. This section establishes the Standard Federal Equal Employment Opportunity Construction Contract Specifications. The specifications, in addition to the standard equal opportunity clauses, will be included in all federal and federally assisted construction contracts. The specifications also will be included in construction contracts let by nonconstruction contractors which are necessary in whole or in part to the performance of a Federal nonconstruction contract. The specifications and the notice provided for in § 60-4.2(d) are designed to serve the same purposes which the Bid Conditions now serve. The specifications, however, establish specific and minimum affirmative

action obligations. These affirmative action obligations, in large measure, are the good faith steps contained in the present Bid Conditions. Some of the good faith steps were modified before being adopted as required affirmative action obligations and other affirmative action obligations are entirely new.

1. Paragraph 7 and its subparagraphs establish the affirmative action obligations. Comments from contractor groups objected to the antiharassment provision in paragraph 7a. During the time it has considered extending specific affirmative action coverage to women in the construction industry, however, the Department of Labor has learned of many egregious examples of harassment of female workers. The comments do not challenge the existence of such conduct. The need to discourage harassment, intimidation and coercion is particularly important in an industry such as construction where the safety of workers may depend on a fellow worker. The contractor is in the best position to discourage such conduct and to ensure fair treatment of all employees.

Objections also were raised to the provision which states that where possible the contractor will assign two or more women to each construction project. The Department is fully aware that the very nature of construction work, such as the use of small workforces in certain trades, would not always accommodate the assignment of two or more women by a single contractor. However, where large workforces are being employed it is reasonable to assume that two or more women would be assigned to a construction project. Such a practice also should help to eliminate harassment and intimidation. Moreover, a contractor should not feel that is has met its affirmative action obligation simply by placing a token woman on the project and at the same time should not refuse to assign a woman to a project because there are not two openings.

2. Contractor groups also expressed objections to what they perceived as recordkeeping requirements. In fact no specific recordkeeping formats have been established. It will be necessary for contractors to maintain documentation of some of the specific actions they have taken such as a list of their minority and female recruitment sources (see Specification subparagraph 7b) and the names, addresses and telephone numbers of minority and female off-the-street applicants (7c). Such documentation is essential in order for the contract compliance program to be able to assess whether the contractor is taking the required action. Moreover, it is fair to presume that contractors already have in place some recordkeeping system for these types of activities and where adequate records do exist the contractor is not obligated to establish new procedures.

3. Contractors also contended that paragraph 4 and subparagraph 7d of the Specifications would require them to violate the exclusive referral provisions of their collective bargaining agreements.

These arguments are unpersuasive and have been rejected in various court decisions upholding the principle that a contractor's noncompliance with its affirmative action obligations cannot be justified by the contractor's reliance on a collective bargaining agreement, and that the contractor must go outside of the terms of the agreement if that is the only way to maintain compliance with the Executive Order and the implementing rules, regulations and orders. See *Contractors Assn. of Eastern Pa.* v. *Secretary of Labor*, 442 F.2d 159 (3rd Cir. 1971), *cert. denied*, 404 U.S. 854 (1971); *Southern Illinois Builders Assn.* v. *Ogilvie*, 471 F.2d 680 (7th Cir. 1974); *Joyce* v. *McCrane*, 320 F.Supp. 1284 (D.NJ. 1970); *Associated General Contractors of Massachusetts* v. *Altschuler*, 490 F.2d 9 (1st Cir. 1973), *cert. denied*, 416 U.S. 957 (1974); *Equal Employment Opportunity Commission* v. *American Telephone & Telegraph Co.* 556 F.2d 167 (3rd Cir. 1977); *Savannah Printing Specialties & Paper Products Local Union 604* v. *Union Camp Corp.*, 350 F.Supp. 632 (S.D. Ga. 1972).

It should be emphasized that the Department's position has not precluded and will not preclude enforcement actions against labor organizations for impeding the nondiscrimination/affirmative action obligations of federally-involved construction contractors and subcontractors under E.O. 11246. Such actions are specifically authorized under sections 209(a)(2) and (3) of the Order. See, e.g., *U.S.* v. *Carpenters Local 169*, 457 F. 2d 210 (7th Cir. 1972), *cert. denied*, 409 U.S. 851 (1972); *U.S.* v. *Papermakers Local 189*, 282 F. Supp. 30 (E.D. La. 1968), aff'd 416 F. 2d 980 (5th Cir. 1969), *cert. denied*, 397 U.S. 912 (1970); *U.S.* v. *Operating Engineers Local 701*, —F. Supp. —, 14 FEP Cases 1400 (D. Ore. 1977). Therefore, in order to facilitate enforcement efforts against labor organizations for interfering with the nondiscrimination/affirmative action obligations of federally-involved construction contractors, paragraph 7d of the specifications requires covered contractors and subcontractors to provide immediate written notification to the responsible compliance agency and to OFCCP when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority person or woman sent by the contractor, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations.

4. Paragraph 9 of the Specifications has been rewritten to address the concerns of the Deputy Comptroller General of the United States. The Deputy Comptroller General commented as follows:

> This provision [paragraph 9] would require, in effect, the renegotiation of goals after the contract has been awarded rather than specifying separate goals and timetables which must be met by contractors in categories determined to be employing "particular groups" in a "substantially disparate manner."

Paragraph 9 has been rewritten to eliminate the requirement to establish separate goals. However, the section also makes it clear that the goals include all groups and that the contractor may not be in compliance if it has achieved its goal levels generally but employs certain groups in a substantially disparate manner. The minority goal, for example, includes blacks, American Indians, Hispanics, Asian and Pacific Islanders, and a contractor may not be in compliance if it meets its goal by employing one group and totally ignores another.

5. Paragraph 12 prohibits the contractor from entering into contracts with debarred contractors. Contractors were concerned about receiving notice of debarred contractors and whether the contracting prohibition applied to nonfederal contracts as well. The OFCCP maintains a list of debarred contractors which may be secured from that agency. In addition, all debarments effected under Executive Order 11246 are published in the FEDERAL REGISTER. Finally, paragraph 12 is not intended to cover contracts awarded by a Federal contractor for work to be performed on a project which is neither Federal nor federally assisted.

6. Some comments suggested that Federal EEO requirements should preempt state and local EEO requirements. Other comments suggested that the more stringent standards, whether Federal or state or local, should apply. The Federal Government, of course, may not pre-empt state and local government regulation of the construction industry (*Associated General Contractors of Mass.* v. *Altshuler*, 490 F. 2d 9 (1st cir. 1973)). The OFCCP has attempted to apply uniform standards to contractors and to provide the greatest protection to the greatest number of people under the Executive Order.

Section 60-4.4 and 60-4.5. The major change made in these two sections is the proviso in § 60-4.5 which requires that each contractor participating in the plan make a good faith effort to achieve its goals and that the overall good performance by other contractors does not excuse any contractor. This change was made in response to those comments to the effect that

some contractors were using the plans (and the accomplishments of other contractors in the plan area) to shirk their obligations under the Order. This change also is consistent with the Executive Order which imposes the nondiscrimination and affirmative action requirements on each contractor.

Section 60-4.3. This section requires the Director of OFCCP to issue goals and timetables for minority and female utilization which shall be based on appropriate workforce, demographic or other relevant data. The goals shall cover specific construction projects or construction contracts performed in specific geographical areas. Published elsewhere in the FEDERAL REGISTER today are goals for female utilization on construction projects. It is anticipated that within the very near future OFCCP will propose standards and goals for minority utilization pursuant to 41 CFR 60-4.6 of the regulations published today. Until those goals are published in final form the goals and timetables applicable under existing OFCCP requirements will continue to be effective.

A number of comments addressed the issue of goals and timetables. Contractors recognized the construction industry's obligation to take affirmative action but expressed concern about the nature of the required action. They characterized "goals" as quotas, stated that the goals requirement would require contractors to hire unqualified persons, stated that qualified female craft workers are not available and that contractors would be required to displace other workers with women because of high unemployment in the industry.

1. Section 201 of Executive Order 11246, as amended, mandates the Secretary of Labor to "adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes * * *" of the Executive Order. Section 202 of the Executive Order requires every nonexempt Federal contractor or subcontractor, including Federal and federally assisted construction contractors and subcontractors (see § 301 of the Order), to take affirmative action.

The Department of Labor's experience with affirmative action has demonstrated that goals and timetables are the most concrete and effective system for implementing the affirmative action obligation contained in the Executive Order. Since goals and timetables were implemented as an affirmative action requirement, all Federal contractors and subcontractors except construction contractors have been required to establish goals and timetables for women. Construction contractors, on the other hand, have been required to establish goals for minority workers, and then, only if the construction contract was being performed in a geographical area covered by a Hometown Plan or an Imposed Plan or if the contract was awarded subject to Special Bid Conditions. These were the three methods by which the Department of Labor specifically implemented the affirmative action obligation imposed on Government contractors and subcontractors. Unlike nonconstruction contractors, who were and are required to develop detailed affirmative action programs (which include goals and timetables for women and minorities), the only implemented affirmative action obligation imposed on construction contractors has been the goals and timetables established in the Hometown Plans, Imposed Plans or Special Bid Conditions. Nevertheless, all Government contractors and subcontractors, including construction contractors and subcontractors, agree in every contract to "* * * take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin." (Section 202, cl. 1, Executive Order 11246, as amended.)

In the past, as stated above, the OFCCP has used a number of methods to implement the affirmative action requirement of the Executive Order in the construction industry. These methods have included Hometown Plans, Imposed Plans and Special Bid Conditions. The basic affirmative action feature under each of these methods has been goals and timetables. Goals and timetables in large measure have been limited to minority utilization although the word "minority" was defined to include minority women. In the construction industry, however, goals and timetables generally have not been established for women. The notice published elsewhere in the FEDERAL REGISTER today, however, will establish goals and timetables for female utilization for construction contractors and subcontractors who are subject to Executive Order 11246, as amended.

A number of methods and procedures for establishing goals and timetables for the construction industry have been considered, and the OFCCP has concluded that this Notice form is the most reasonable and efficient way to inform construction contractors of their obligations and to protect workers under the Executive Order. First, the Hometown Plan concept contemplates that contractors, unions and the local community voluntarily will agree to an affirmative action plan, submit it to the OFCCP for approval and, if approved, compliance with the plan will constitute compliance with the Executive Order. This process is time consuming and does not always guarantee agreement. Indeed, under this process only 62 Hometown Plans have been developed and approved and only 33 presently exist. These plans cover only a small fraction of the cities in the country and only a small portion of Federal and federally assisted construction. Similarly, the Imposed Plans require long and drawn-out proceedings before they are implemented. These proceedings include public hearings in each area where the plan is imposed and subsequent publication in the FEDERAL REGISTER and codification in the Code of Federal Regulations. Moreover, the hearing process did not always produce reliable data upon which reasonable goals could be based thereby making it necessary for the OFCCP to develop the goals using Census Bureau prepared data. Through this process, seven plans have been imposed.

In order to cover some of the major Federal and federally assisted construction contracts being performed outside of Hometown and Imposed Plan areas, Special Bid Conditions were designed. Under this concept the compliance agencies establish goals and timetables for construction contracts for which they have compliance responsibility and submit the Special Bid Conditions to the OFCCP for approval prior to the time the bids or offers were solicited. Special Bid Conditions unlike Hometown and Imposed Plans, however, are limited to the project for which they were designed. Accordingly, two projects being in close proximity would require separate Bid Conditions if the projects involved were assigned to different agencies for compliance purposes, or no Bid Conditions at all if the compliance agency did not act prior to the solicitation.

The three affirmative action methods previously used do not allow for an efficient system which provides a fair degree of protection for construction employees. The notice system, on the other hand, allows for the use of the best data available, which was not always forthcoming in hearings, and an efficient and prompt implementation of the goals which result from that data.

A review of the status of women in the construction industry shows that unless specific affirmative action steps are prescribed, construction employment opportunities will not reach the female workforce of this country. For example, when these regulations were proposed last August, the preamble contained the following statement (42 FR 41379):

> According to the 1970 Census of Population, women constituted 37 percent of the experienced civilian labor force, and 19 percent of all persons 18 years or older with vocational training in trades or crafts. At the same time, however, women constituted only 5 percent of the experienced labor force in craft and kindred occupations, and

only 1.2 percent of the experienced construction labor force. The gross disparity between the percentage of women in the labor force and the percentage of women in the construction trades undoubtedly will continue until positive action is taken to ensure that construction jobs are made available to women. A system of goals and timetables for women in construction will, based on prior experience, help to rectify the near total exclusion of female representation in the construction trades.

The interest of women in the construction trades and their availability for employment has been clearly demonstrated. In October, 1975, for example, the OFCCP conducted fact-finding hearings in Baltimore, Md., specifically relating to equal employment opportunity in the construction industry. Representatives from EEOC, various women's organizations, and academic institutions testified that discrimination and not the lack of available and interested female applicants is keeping the percentage of women in the construction trades at such a low level. Typical situations described in that testimony involved women trained as construction workers who gained membership in a union local but who were not hired although they stood at the front of the hall or at the top of the referral list, and who were subsequently told at a job site that they would never be hired because they were women. In another typical case a woman gained employment in a craft in which her husband already worked; subsequently both were laid off and after numerous attempts to find work the man was informed that he would not find a job until his wife left the craft.

Further evidence of the interest of and discrimination against women in the construction industry was presented at recent hearings held in California and Washington on the amendments of their State laws to include goals and timetables for women in apprenticeships. The growing number of organizations across the country whose purpose is the placement of women in the construction trades illustrates the high degree of interest and the large number of women interested in pursuing careers in the construction trades.

The longstanding reputation of the trades for excluding women discourages many women from applying for construction jobs. Thus, although many women are inclined toward jobs in the trades, far fewer actually apply. A study by two Stanford University psychologists demonstrates that the number of women applying for jobs in the construction trades would substantially increase were there goals for women. In that study, two groups of female job seekers were given three detailed job descriptions and were asked to rate their interest in the jobs on a scale of 1 to 5, from "not interested" to "extremely interested." Two of the three jobs described were traditionally female jobs and one was a construction job. Half of the booklets contained the following statement under the title of the construction jobs: "Equal Opportunity for Women, Note: Federal Law Now Requires That Companies Train and Hire A Certain Percentage of Women for the Job of (carpenter) Each Year." The other half of the booklets contained no statement about affirmative action. In the affirmative action group 33 percent of the women indicated a strong interest in the construction job, twice the percentage indicating a strong interest in the other group. Seventy percent of the women in the affirmative action group expressed some degree of positive interest in construction jobs, one and one half as many as the other group. Clearly, there exists an available pool of women interested in applying for construction jobs.

The Maritime Administration which oversees enforcement of the Executive Order in the shipbuilding industry has provided the Department with some very useful documentation on both the availability of women for construction-related jobs and the positive impact of goals and timetables on the employment of women in those jobs. A number of the jobs in the shipbuilding industry are comparable to jobs in construction; the Maritime experience therefore is particularly useful. In the early 1972 the Maritime Administration began requiring goals and timetables for women by shipbuilding contractors. There experience was that as more women were employed, more women applied. Once women knew that they would be hired without regard to sex, they applied in large numbers. In at least one shipyard the applicant flow is now running at the rate of the normal workforce rate of women in that area. Unquestionably, the key reason for the increase of women in that industry is goals and timetables.

The results achieved in locations where goals for women have been set have been dramatic. In Seattle, Wash., since the imposition of goals for women in city construction, nearly every city construction project has had at least one woman working on the construction site. In California, the imposition of goals has resulted in the placement of 50 percent more women in construction jobs by Women in Apprenticeship, an outreach program operating in San Francisco designed to help place women in the skilled trades Similarly, although there were only two women in Madison, Wis., construction jobs in 1975, there were, in 1976, after the imposition of goals, 15 women in those jobs.

The exclusion of women from well-paying jobs in the construction industry exists despite persistent effort among women to break into construction work. Although women have made substantial gains in other nontraditional jobs, the above statistics demonstrate that the exclusion of women from construction work will not be corrected and that the objectives of the Executive Order will not be realized unless positive steps are taken to bring together the female worker and the construction job. Accordingly, it is necessary to establish specific standards of affirmative action for women in the construction industry under Executive Order 11246, as amended. Therefore, the specific affirmative action requirements incorporated into these proposed regulations include specific requirements for ensuring equal employment opportunities for women as well as for minorities.

These factors show that women are available for construction and that they are not being utilized. Moreover, if women are to assume a fair number of construction jobs it is necessary to establish specific affirmative action requirements. The time has come to do that.

2. The Department of Labor recognizes the distinction between permissible affirmative action goals and timetables and impermissible quotas. In a March 23, 1973, memorandum the Departments of Justice and Labor and the Equal Employment Opportunity Commission and the Civil Service Commission distinguished goals and timetables:

• • • Quota systems in the past have been used in other contexts as a quantified limitation, the purpose of which is exclusion, but this is not its sole definition. A quota system, applied in the employment context, would impose a fixed number or percentage which must be attained, or which cannot be exceeded; the crucial consideration would be whether the mandatory numbers of persons have been hired or promoted. Under such a quota system, that number would be fixed to reflect the population in the area, or some other numerical base, regardless of the number of potential applicants who meet necessary qualifications. If the employer failed, he would be subject to sanction. It would be no defense that the quota may have been unrealistic to start with, that he had insufficient vacancies, or that there were not enough qualified applicants, although he tried in good faith to obtain them through appropriate recruitment methods.

Any system which requires that considerations of relative abilities and qualifications be subordinated to considerations of race, religion, sex, or national origin in determining who is to be hired, promoted, etc., in order to achieve a certain numerical position has the attributes of a quota system which is deemed to be impermissible under the standards set forth herein.

A goal, on the other hand, is a numerical objective, fixed realistically in terms of the number of vacancies expected, and the number of qualified applicants available in the relevant job market. Thus, if through no fault of the employer, he has fewer vacancies than expected, he is not subject to sanction, because he is not expected to displace existing employees or to hire unneeded employees to meet his goal. Similarly, if he has demonstrated every good faith effort to include persons from the group which was the object of discrimination into the group being considered for selection, but has been unable to do so in sufficient numbers to meet his goal, he is not subject to sanction.

The Department of Labor continues to recognize the distinction between affirmative goals and impermissible quotas, and also follows the policy enunciated in the memorandum quoted above.

The Congress and the courts also have recognized and acquiesced in the affirmative action programs (including goals and timetables) required under Executive Order 11246. When Congress considered the Equal Employment Opportunity Act of 1972 (Pub. L. 92-261), Senator Saxbe made the following statement in support of his amendment to strike a provision which would have transferred the Executive Order program to the EEOC. (118 Cong. Rec. 1385):

The OFCC[P]'s affirmative action programs have tremendous impact and require that 260,000 Government contractors in all industries adopt positive programs to seek out minorities and women for new employment opportunities. To accomplish this objective, the OFCC[P] has utilized the proven business technique of establishing

"goals and timetables" to insure the success of the Executive Order program. It has been the "goals and timetables" approach which is unique to the OFCC(P)'s efforts in equal employment, coupled with extensive reporting and monitoring procedures that has given the promise of equal employment opportunity a new credibility.

The Executive Order program should not be confused with the judicial remedies for proven discrimination which unfold on a limited and expensive case-by-case basis. Rather, affirmative action means that all Government contractors must develop programs to insure that all share equally in the jobs generated by the Federal Government's spending. Proof of overt discrimination is not required.

Senator Saxbe's proposed amendment was adopted. 118 Cong. Rec. 1387-1398 (1972). In addition, 2 days after hearing the comments of Senator Saxbe, quoted above, Congress rejected an amendment offered by Senator Ervin which would have proscribed the adoption of goals by Government contractors. 118 Cong. Rec. 1676. In speaking against this amendment, Senator Javits had the Third Circuit's prior approval of affirmative action goals in *Contractors Ass'n. of Eastern Pa.* v. *Shultz*, 442 F.2d 159 (3d Cir. 1971), cert. denied, 404 U.S. 854 (1971), reprinted in the Congressional Record (118 Cong. Rec. 1665). Moreover, he argued that what the Ervin amendment sought to reach was:

> [T]he whole concept of "affirmative action" as it has been developed under Executive Order 11246 and as a remedial concept under Title VII.
>
> Philadelphia-type plans are based on the Federal Government's power to require its own contractors or contractors on projects to which it contributes—for example, State projects with a Federal contribution—to take affirmative action to enlarge the labor pool to the maximum extent by promoting full utilization of minority group employees, and by making certain requirements for those who hire to seek out minority employees * * * 118 Cong. Rec. 1664 (1972)

Section 60-4.7. This section simply indicates that regulations in other parts of 41 CFR Chapter 60 applicable to construction contractors and subcontractors remain applicable. Specific examples are listed.

Section 60-4.8. This section establishes a show cause procedure to be followed when an investigation or compliance review has revealed a violation. The show cause notice, however, is not required if the matter is to be referred to the Department of Justice under Section 209(a)(2) of the Executive Order. In other words, the show cause notice is required if administrative rather than judicial proceedings are contemplated. In addition, the show cause notice must itemize the sections of the Order and regulations which the investigation revealed have been violated, the corrective actions necessary to achieve compliance, a request for a written response and a suggested date for the conciliation conference (see 41 CFR 60-2.2(c)(1) (i)-(iv)).

Section 60-4.9. This section provides that by operation of the Executive Order, the equal opportunity clause (41 CFR 60-1.4), the Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246) contained in § 60-4.2 of the regulations adopted today and the Standard Federal Equal Employment Opportunity Specification contained in § 60-4.3 of the regulations adopted today shall be deemed to be included, as applicable, in every solicitation, contract and subcontract, required by the Order and the regulations in this chapter to include such clauses, whether or not they are physically included and whether or not the contract is written. This provision is consistent with case law. See *United States* v. *New Orleans Public Service, Inc.*, 553 F. 2d 459 (5th Cir. 1977), *reh'g. denied*, 559 F. 2d 30, *pet. for cert. pending*, No. 77-497 and *United States* v. *Mississippi Power and Light Co.*, 553 F. 2d 480 (5th Cir. 1977), *reh'g denied*, 559 F. 2d 29, *pet. for cert. pending*, No. 77-605.

Other Comments

1. Some comments expressed the view that the Department of Labor should withhold a decision until the Supreme Court has ruled in *The Regents of the University of California* v. *Bakke* case. It, of course, is always difficult to predict with precision how the Supreme Court will rule in a specific case. However, it is not likely that a ruling in that case, a university admissions case, would have the type of impact on these regulations that they should be held in abeyance until the Supreme Court has ruled.

2. Some contractor comments took the position that the obligation to take affirmative action should be shared equally by contractors and their unions. The Department of Labor does not disagree with the concept of a union taking affirmative action. However, coverage under the Executive Order is limited to Federal contractors and subcontractors. Unless the union is a contractor or subcontractor, in which case it is covered, the Executive Order authority over the union is limited.

3. Some comments objected to maintaining a record of solicitation of offers from minority and female contractors and suppliers. This provision is not intended to compel the contractor to contract with any specific group. It has been the Department of Labor's experience, however, that these contractors generally employ persons protected under the Executive Order. Thus, federally generated dollars are helping to increase employment opportunities for minorities and women. This provision, ultimately though, is intended to help to evaluate the contractor's good faith efforts.

In consideration of the foregoing, 41 CFR Chapter 60 is amended by adding a new Part 60-4 as set forth below, and by deleting Parts 60-5; 60-6; 60-7; 60-8; 60-10; and 60-11. In addition, The Philadelphia Plan and the New Form for Federal Equal Employment Opportunity Bid Conditions for Federal and Federally Assisted Construction (41 FR 32482), commonly known as the Model Federal EEO Bid Conditions, hereby are terminated and discontinued.

Dated: March 28, 1978.

RAY MARSHALL,
Secretary of Labor.

DONALD ELISBURG,
Assistant Secretary, Employment Standards Administration.

WELDON J. ROUGEAU,
Director, OFCCP.

Sec.

60-4.1 Scope and application.
60-4.2 Solicitations.
60-4.3 Equal opportunity clauses.
60-4.4 Affirmative action requirements.
60-4.5 Hometown plans.
60-4.6 Goals and timetables.
60-4.7 Effect on other regulations.
60-4.8 Show cause notice.
60-4.9 Incorporation by operation of the Order.

AUTHORITY: Secs. 201, 202, 205, 211, 301, 302, and 303 of E.O. 11246, as amended, 30 FR 12319; 32 FR 14303.

§ 60-4.1 Scope and application.

This part applies to all contractors and subcontractors which hold any Federal or federally assisted construction contract in excess of $10,000. The regulations in this part are applicable to all of a construction contractor's or subcontractor's construction employees who are engaged in on site construction including those construction employees who work on a non-Federal or non-federally assisted construction site. This part also establishes procedures which all Federal contracting officers and all applicants, as applicable, shall follow in soliciting for and awarding Federal or federally assisted construction contracts. Procedures also are established which administering agencies shall follow in making any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of Executive Order 11246, as amended.

In addition, this part applies to construction work performed by construction contractors and subcontractors for Federal nonconstruction contractors and subcontractors if the construction work is necessary in whole or in part to the performance of a nonconstruction contract or subcontract.

§ 60-4.2 Solicitations.

(a) All Federal contracting officers and all applicants shall include the notice set forth in paragraph (d) of this section and the Standard Federal Equal Employment Opportunity Construction Contract Specifications set forth in § 60-4.3 of this part in all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts to be performed in geographical areas designated by the Director pursuant to § 60-4.6 of this part. Administering agencies shall require the inclusion of the notice set forth in paragraph (d) of this section and the specifications set forth in § 60-4.3 of this part as a condition of any grant, contract, subcontract, loan insurance or guarantee involving federally assisted construction covered by this part 60-4.

(b) All nonconstruction contractors covered by Executive Order 11246 and the implementing regulations shall include the notice in paragraph (d) of this section in all construction agreements which are necessary in whole or in part to the performance of the covered nonconstruction contract.

(c) Contracting officers, applicants and nonconstruction contractors shall give written notice to the Director within 10 working days of award of a contract subject to these provisions. The notification shall include the name, address and telephone number of the contractor; employer identification number; dollar amount of the contract, estimated starting and completion dates of the contract; the contract number; and geographical area in which the contract is to be performed.

(d) The following notice shall be included in, and shall be a part of, all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts in excess of $10,000 to be performed in geographical areas designated by the Director pursuant to § 60-4.6 of this part (see 41 CFR 60-4.2(a)):

NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" set forth herein.

2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Timetables	Goals for minority participation for each trade	Goals for female participation in each trade
	Insert goals for each year.	Insert goals for each year.

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals established for the geographical area where the contract resulting from this solicitation is to be performed. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the constractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of $10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.

4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is (insert description of the geographical areas where the contract is to be performed giving the state, county and city, if any).

§ 60-4.3 Equal opportunity clauses.

(a) The equal opportunity clause published at 41 CFR 60-1.4(a) of this chapter is required to be included in, and is part of, all nonexempt Federal contracts and subcontracts, including construction contracts and subcontracts. The equal opportunity clause published at 41 CFR 60-1.4(b) is required to be included in, and is a part of, all nonexempt federally assisted construction contracts and subcontracts. In addition to the clauses described above, all Federal contracting officers, all applicants and all nonconstruction contractors, as applicable, shall include the specifications set forth in this section in all Federal and federally assisted construction contracts in excess of $10,000 to be performed in geographical areas designated by the Director pursuant to § 60-4.6 of this part and in construction subcontracts in excess of $10,000 necessary in whole or in part to the performance of nonconstruction Federal contracts and subcontracts covered under the Executive Order.

STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)

1. As used in these specifications:

a. "Covered area" means the geographical area described in the solicitation from which this contract resulted;

b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;

c. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.

d. "Minority" includes:

(i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);

(ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);

(iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and

(iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of $10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.

3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. The Contractor is expected to make substantially uniform progress toward its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.

7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.

c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.

d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.

e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources complied under 7b above.

f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's workforce.

k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.

l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activites to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilites shall be provided to assure privacy between the sexes.

o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through p). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through p of these Specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

9. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).

10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, or national origin.

11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Execu-

tive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.

14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

(b) The notice set forth in 41 CFR 60-4.2 and the specifications set forth in 41 CFR 60-4.3 replace the New Form for Federal Equal Employment Opportunity Bid Conditions for Federal and Federally Assisted Construction published at 41 FR 32482 and commonly known as the Model Federal EEO Bid Conditions, and the New Form shall not be used after the regulations in 41 CFR part 60-4 become effective.

§ 60-4.4 Affirmative action requirements.

(a) To implement the affirmative action requirements of Executive Order 11246 in the construction industry, the Office of Federal Contract Compliance Programs previously has approved affirmative action programs commonly referred to as "Hometown Plans," has promulgated affirmative action plans referred to as "Imposed Plans" and has approved "Special Bid Conditions" for high impact projects constructed in areas not covered by a Hometown or an Imposed Plan. All solicitations for construction contracts made after the effective date of the regulations in this part shall include the notice specified in § 60-4.2 of this part and the specifications in § 60-4.3 of this part in lieu of the Hometown and Imposed Plans including the Philadelphia Plan and Special Bid Conditions. Until the Director has issued an order pursuant to § 60-4.6 of this part establishing goals and timetables for minorities in the appropriate geographical areas or for a project covered by Special Bid Conditions, the goals and timetables for minorities to be inserted in the Notice require by 41 CFR 60-4.2 shall be the goals and timetables contained in the Hometown Plan, Imposed Plan or Special Bid Conditions presently covering the respective geographical area or project involved.

(b) Signatories to a Hometown Plan (including heavy highway affirmative action plans) shall have 45 days from the effective date of the regulations in this part to submit under such a Plan (for the Director's approval) goals and timetables for women and to include female representation on the Hometown Plan Administrative Committee. Such goals for female representation shall be at least as high as the goals established for female representation in the Notice issued pursuant to 41 CFR 60-4.6. Failure of the signatories, within the 45-day period, to include female representation and to submit goals for women or a new plan, as appropriate, shall result in an automatic termination of the Office of Federal Contract Compliance Program's approval of the Hometown Plan. At any time the Office of Federal Contract Compliance Programs terminates or withdraws its approval of a Hometown Plan, or when the Plan expires and another Plan is not approved, the contractors signatory to the Plan shall be covered automatically by the Specifications set forth in § 60-4.3 of this part and by the goals and timetables established for that geographical area pursuant to § 60-4.6 of this part.

§ 60-4.5 Hometown plans.

(a) A contractor participating, either individually or through an association, in an approved Hometown Plan (including heavy highway affirmative action plans) shall comply with its affirmative action obligations under Executive Order 11246 by complying with its obligations under the Plan: *Provided*, That each contractor or subcontractor participating in an approved Plan is individually required to comply with the equal opportunity clause set forth in 41 CFR 60 1.4; to make a good faith effort to achieve the goals for each trade participating in the Plan in which it has employees; and that the overall good performance by other contractors or subcontractors toward a goal in an approved Plan does not excuse any covered contractor's or subcontractor's failure to take good faith efforts to achieve the Plan's goals and timetables. If a contractor is not participating in an approved Hometown Plan it shall comply with the Specifications set forth in § 60-4.3 of this part and with the goals and timetables for the appropriate area as listed in the Notice required by 41 CFR 60-4.2 with regard to that trade. For the purposes of this part 60-4, a contractor is not participating in a Hometown Plan for a particular trade if it:

(1) Ceases to be signatory to a Hometown Plan covering that trade;

(2) Is signatory to a Hometown Plan for that trade but is not party to a collective bargaining agreement for that trade;

(3) Is signatory to a Hometown Plan for that trade but is party to a collective bargaining agreement with labor organizations which are not or cease to be signatories to the same Hometown Plan for that trade;

(4) Is signatory to a Hometown Plan for that trade and is party to a collective bargaining agreement with a labor organization for that trade but the two have not jointly executed a specific commitment to minority and female goals and timetables and incorporated the commitment in the Hometown Plan for that trade;

(5) Is participating in a Hometown Plan for that Trade which is no longer acceptable to the Office of Federal Contract Compliance Programs;

(6) Is signatory to a Hometown Plan for that trade but is party to a collective bargaining agreement with a labor organization for that trade and the labor organization and the contractor have failed to make a good faith effort to comply with their obligations under the Hometown Plan for that trade.

(b) Contractors participating in Hometown Plans must be able to demonstrate their participation and document their compliance with the provisions of the Hometown Plan.

§ 60-4.6 Goals and timetables.

The Director, from time to time, shall issue goals and timetables for minority and female utilization which shall be based on appropriate workforce, demographic or other relevant data and which shall cover construction projects, or construction contracts performed in specific geographical areas. The goals shall be applicable to each construction trade in a covered contractor's or subcontractor's entire workforce which is working in the area covered by the goals and timetables, shall be published as notices the FEDERAL REGISTER, and shall be inserted by the contracting officers and applicants, as applicable, in the Notice required by 41 CFR 60-4.2.

§ 60-4.7 Effect on other regulations.

The regulations in this part are in addition to the regulations contained in this chapter which apply to construction contractors and subcontractors generally. See particularly, 41 CFR 60-1.4 (a), (b), (c), (d), and (e); 60-1.5; 60-1.7; 60-1.8; 60-1.26; 60-1.29; 60-1.30; 60-1.32; 60-1.41; 60-1.42; 60-1.43; and 41 CFR part 60-3; part 60-20; part 60-30; part 60-40; and part 60-50.

§ 60-4.8 Show cause notice.

If an investigation or compliance review reveals that a construction contractor or subcontractor has violated the Executive Order, any contract

clause, specifications or the regulations in this chapter and if administrative enforcement is contemplated, the Director shall issue to the contractor or subcontractor a notice to show cause which shall contain the items specified in (i)-(iv) of 41 CFR 60-2.2(c)(1). If the Contractor does not show good cause within 30 days, or in the alternative, fails to enter an acceptable conciliation agreement which includes where appropriate, make up goals and timetables, back pay, and seniority relief for affected class members, the compliance agency shall follow the procedure in 41 CFR 60-1.26(b): *Provided*, That where a conciliation agreement has been violated, no show cause notice is required prior to the initiation of enforcement proceedings.

§ 60-4.9 Incorporation by operation of the Order.

By operation of the Order, the equal opportunity clause contained in § 60-1.4, the Notice of Requirement for Affirmative Actior to Ensure Equal Employment Opportunity (Executive Order 11246) contained in § 60-4.2, and the Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246) contained in § 60-4.3 shall be deemed to be a part of every solicitation or of every contract and subcontract, as appropriate, required by the Order and the regulations in this chapter to include such clauses whether or not they are physically incorporated in such solicitation or contract and whether or not the contract is written.

[FR Doc. 78-9083 Filed 4-6-78; 8:45 am]

[4510-27]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

WOMEN AND MINORITIES IN CONSTRUCTION

Goals and Timetables for Female and Minority Participation in the Construction Industry

Regulations (41 CFR 60-4.6) published by the Department of Labor in the FEDERAL REGISTER today require the Director of the Office of Federal Contract Compliance Programs (OFCCP) to issue goals and timetables for minority and female utilization for Federal and federally assisted construction contractors and subcontractors. The regulations require that the goals be based on workforce, demographic or other relevant data.

The regulations also require that the goals and timetables be published in the FEDERAL REGISTER in a notice of general information to the public but not for public comment. However, last August when the Department of Labor proposed a new Part 60-4 to 41 CFR Chapter 60, a notice proposing to establish goals and timetables for women in the construction industry was published for public comment because the OFCCP previously had not required goals for women in the construction industry under the Executive Order program, and because of the general interest in this subject (42 FR 41383). The comments have been reviewed and analyzed.

This notice is issued pursuant to 41 CFR 60-4.6 and establishes goals and timetables for women and minorities under Executive Order 11246, as amended (3 CFR Part 169 (1974)), in the construction industry. The goals for female utilization are expressed in terms of hours of training and employment as a proportion of the total number of hours to be worked by the contractor's aggregate work force, which includes all supervisory personnel, in each trade on all projects (both Federal and non-Federal).

GOALS FOR FEMALE UTILIZATION

A review of statistics relating to women in the construction industry shows an almost total exclusion of women from employment. Continued reliance by contractors on established hiring practices may reasonably be expected to result in a continuation of almost total female exclusion. Indeed, the female representation level in the construction industry is so low that the data packages prepared by the Bureau of the Census pursuant to contract with OFCCP are of little or no value as a source for computing goals for women on a Standard Metropolitan Statistical Area (SMSA) or local basis. To implement the affirmative action requirement of Executive Order 11246, as amended, and to achieve a program of equal employment opportunity for women, in the construction industry, goals and timetables are established in this Notice for female participation.

OFCCP has examined and considered a number of approaches for developing affirmative action goals for women. Methods, including the female workforce, different proportions of the female workforce, and female representation in apprenticeship positions were examined.

Thought also had been given to establishing a pilot program for the purpose of developing a data base on which female goals could be developed. Each of these methods, however, suffers from certain deficiencies such as a tendency toward initial goals either so high or so low that the result would be meaningless. This Notice considers the relevant characteristics of the construction industry as they relate to developing goals and timetables for women and the need to establish effective implementation of the Executive Order.

The goals for women in construction are established for a period of three years. The goals are 3.1 percent, 5 percent, and 6.9 percent for the first, second, and third year, respectively. These goals are developed using two sets of statistics. First, according to the 1970 census, ("Table 229 Selected Occupations by Major Industry of the Experienced Civilian Labor Force," Detailed Characteristics United States Summary, VS.PC(1)DI, U.S. Census—1970), the female workforce currently classified as craftsmen and kindred workers in the construction industry is 1.2 percent. By extrapolating from Census data (using the categories of craftsmen and kindred workers and operatives in the construction industry), the female participation rate is remarkably similar—1.3 percent. The category, operatives, includes workers who frequently are considered construction craftsmen (e.g. drywall installers and lathers, asbestos and insulation workers, and welders). In addition, according to the 1970 Census ("Table 224 Occupations of Experienced Civilian Labor Force by Race and Sex, and Weeks Worked in 1969 and Experienced Workers not in Labor Force by Sex," Detailed Characteristics United States Summary, Vol. PC(1)DI, U.S. Census, 1970), women constitute 5 percent of all craft and kindred workers. This occupation group includes apparel craftsmen and upholsterers, bakers, cabinetmakers, construction craftsmen, foremen, linemen and servicemen—telephone and power, locomotive engineers and firemen, mechanics and repairmen, metal craftsmen (except mechanics), printing craftsmen, stationary engineers and power station operators, and other craftsmen and kindred workers. This group consists of workers in occupations with working conditions similar to those found in the construction industry. These occupations require skills and abilities comparable to those required of employees working in the construction industry. These nonconstruction occupations are closely related to construction craft work, and demonstrate a comparatively higher female participation rate which also demonstrates a willingness on the part of women to undertake the types of work which include the occupation of construction craftsmen.

It is reasonable to expect therefore that within a two-year period the construction industry, by undertaking affirmative action, could achieve a 5 percent female participation goal. This same effort would raise the goal to 6.9 percent in the third year. The statistics on which these goals are based are national in scope. Such statistics are not available on an SMSA or county basis. Moreover, the female population is distributed evenly throughout the country.

The female goal is nation-wide, applies to all construction contractors and subcontractors who hold a Federal or federally assisted construction contract or subcontract in excess of $10,000, and the goal applies to each contractor's entire workforce. Also, under the regulation governing construction contractors under Executive Order 11246 published today in the FEDERAL REGISTER, Hometown Plans are required to submit goals for women to the Director for approval. No goals lower than those established herein will be approved. If the Hometown Plans do not submit female affirmative action goals within the specified period and receive approval, the Department's approval of the plan will be withdrawn automatically and the goals established herein shall be applicable in those Hometown areas.

These initial goals are intended to provide immediate equal employment opportunity for women in the construction industry.

In order to develop goals and timetables for women in construction on a more permanent basis, a working committee will be established to make recommendations to the Director, OFCCP, on the total involvement of women in the construction industry. The exact structure and composition of the committee has not been determined.

Contractors are advised, however, that where higher state, local or other jurisdictional goals for women are in effect, compliance with the goals, and timetables proposed herein would not relieve the contractor of its obligation to comply with the higher local goal. Similarly, this Notice does not affect or limit in any way the application of

requirements providing for the employment of local residents such as those contained in the Community Development Block Grant and the Public Work Employment Act grant programs.

GOALS FOR MINORITIES

The preamble to regulations establishing a new part 60-4 to 41 CFR chapter 60 published elsewhere in the FEDERAL REGISTER today, states that OFCCP contemplates proposing standards and goals for minorities within the very near future. Until that notice has been proposed and final action taken, construction contractors and subcontractors will continue to be subject to the goals and timetables for minority utilization on Federal and federally assisted construction existing now under Executive order 11246. Such goals are published in appendix B.

Now, therefore, based on the foregoing and 41 CFR part 60-4, each contracting agency, each applicant, and each contractor shall include the appropriate goal set forth in appendix A and appendix B in all invitations for bids or other solicitations for federally involved construction contracts in excess of $10,000. The goals in appendix A hereby are established on a nationwide basis as the standards for female utilization for all trades.

Appendix B established the goals for minority utilization which shall be applicable for the respective areas set forth in appendix B.

Appendix A and Appendix B shall be effective with respect to transactions for which the invitations for bids or other solicitations or amendments thereto are sent on or after May 8, 1978.

WELDON J. ROUGEAU,
Director, OFCCP.

MARCH 28, 1978.

APPENDIX A

The following goals and timetables for female utilization shall be included in all Federal and federally assisted construction contracts and subcontracts in excess of $10,000. The goals are applicable to the contractor's aggregate on-site construction workforce whether or not part of that workforce is performing work on a Federal or federally assisted construction contract or subcontract.

AREA COVERED

Goals for Women apply nationwide.

GOALS AND TIMETABLES

Timetable	*Goals (percent)*
From Apr. 1, 1978 until Mar. 31, 1979	3.1
From Apr. 1, 1979 until Mar. 31, 1980	5.1
From Apr. 1, 1980 until Mar. 31, 1981	6.9

APPENDIX B

Until further notice, the following goals and timetables for minority utilization shall be included in all Federal or federally-assisted construction contracts and subcontracts in excess of $10,000 to be performed in the respective covered areas. The goals are applicable to the contractor's aggregate on-site construction workforce whether or not part of that workforce is performing work on a Federal or federally-assisted construction contract or subcontract.

REGION [1]

BOSTON, MASS. AREA

Area covered—Arlington, Boston, Belmont, Brookline, Burlington, Cambridge, Canton, Chelsea, Dedham, Everett, Malden, Medford, Wakefield, Westwood, Winthrop, Winchester, Woburn, and the Islands of Boston Harbor, Mass.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Asbestos workers	10.8 to 10.12.
	Boilermakers	9.6 to 12.0.
	Bricklayers	8.0 to 10.0.
	Carpenters	11.6 to 14.5.
	Cement masons	25.5 to 27.5.
	Electricians	6.0 to 7.0
	Elevator constructors.	9.5 to 11.4.
	Glaziers	8.8 to 11.0.
	Ironworkers	5.9 to 6.9.
	Lathers	6.9 to 8.9.
	Operating engineers.	14.1 to 15.0.
	Painters	9.1 to 11.1.
	Pipefitters	11.0 to 12.1.
	Plasterers	20.5 to 22.5.
	Plumbers	9.8 to 11.8.
	Roofers	5.4 to 10.5.
	Sheetmetal workers.	10.1 to 1[illegible].1.
	Sprinkler fitters	12.3 to 15.6.
	All other trades	10.3 to 12.3

[1] Region refers to the 10 regions in which the U.S. Department of Labor has offices. These Regions are headquartered in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle, which are numbers I through X respectively.

STATE OF RHODE ISLAND AREA

Area Covered—Statewide.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	5.0.

REGION II

BUFFALO, N.Y. AREA

Area Covered—Erie County and Buffalo, N.Y.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	10.6 to 13.2.

CAMDEN, N.J. AREA

Area Covered: Camden, N.J., area of Camden, Salem, and Gloucester Counties.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Asbestos workers	11.6 to 14.5.
	Boilermakers	10.8 to 13.5.
	Bricklayers	17.8 to 20.0.
	Carpenters	11.2 to 13.0.
	Cement masons	12.0 to 1[illegible].0.
	Electricians	14.9 to 17.8.
	Elevator constructors.	10.8 to 13.5.
	Glaziers	16.0 to 20.0.
	Lathers	10.8 to 13.5.
	Operating Engineers.	10.0 to 12.5.
	Painters/ Decorators/ Paperhangers.	8.8 to 12.8.
	Plasterers	17.0 to 19.0.
	Plumbers/ Pipefitters/ Steamfitters.	8.4 to 10.5.
	Roofers	8.4 to 10.5.
	Sheetmetal Workers.	11.2 to 14.0
	Sprinkler Fitters	10.8 to 13.[illegible]
	Structural Metal Workers.	12.[illegible] to 15.[illegible]
	Wharf 7 Dock Builders.	10.8 to 13.[illegible]

ELMIRA, N.Y. AREA

Area Covered: Chemung, Steuben, Schuyler, Tioga, and Yates Counties, N.Y.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	4.0 to 5.0.

LONG ISLAND, N.Y. AREA

Area Covered: Nassau and Suffolk Counties, N.Y.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	6.0 to 8.0.

WESTCHESTER, N.Y. AREA

Area covered—Westchester County, N.Y.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	11 to 13.

REGION III

STATE OF DELAWARE AREA

Area covered—State of Delaware.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	11 to 13.

PHILADELPHIA, PA., AREA

Area covered—Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice	Ironworkers	22 to 26.
	Plumbers and pipefitters.	20 to 24.
	Steamfitters	20 to 24.
	Sheetmetal workers.	19 to 23.
	Electrical workers	19 to 23
	Elevator construction workers.	19 to 23.

PITTSBURGH, PA., AREA

Area covered—Allegheny County, Pa.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Asbestos workers	24.3 to 27.8.
	Boilermakers	33.8 to 39.7.
	Bricklayers	11.9 to 13.0.
	Carpenters	11.8 to 12.9.
	Cement masons	16.3 to 18.1.
	Electricians	17.0 to 20.3.
	Glaziers	26.9 to 30.4.
	Ironworkers	25.5 to 29.9.
	Lathers	12.7 to 13.8.
	Operating engineers.	44.2 to 48.3.
	Painters	16.4 to 17.9.
	Plasterers	34.3 to 38.0.
	Plumbers	7.8 to 9.2.
	Roofers	47.1 to 50.1.
	Sheetmetal workers.	26.0 to 26.9.
	Steamfitters	10.1 to 12.9.
	Tile setters	13.6 to 16.0.
	All other	27.6 to 31.5.

WASHINGTON, D.C. AREA

Area Covered.—District of Columbia; the Virginia cities of Alexandria, Fairfax, and Falls Church; the Virginia counties of Arlington, Fairfax, Loudoun, and Prince William; and the Maryland counties of Montgomery and Prince George.

GOALS AND TIMETABLES

Timetables	Trade	Goal (percent)
Until further notice.	Electricians	28.0 to 34.0.
	Painters and paperhangers.	78.0 to 42.0.
	Plumbers pipefitters and steamfitters.	35.0 to 30.0.
	Iron workers	35.0 to 43.0.
Until further notice.	Sheetmetal workers.	35.0 to 31.0.
	Elevator constructors.	34.0 to 40.0.
	Asbestos workers	36.0 to 32.0.
	Lathers	34.0 to 40.0.

GOALS AND TIMETABLES—Continued

Timetables	Trade	Goal (percent)
	Boilermakers	34.0 to 30.0.
	Tile and terrazzo workers.	28.0 to 34.0.
	Glaziers	28.0 to 34.0.

REGION IV

ATLANTA, GEORGIA AREA

Area Covered.—Atlanta, Ga., Standard Metropolitan Statistical Area which includes Fulton, DeKalb, Cobb, Clayton and Gwinnett Counties.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Asbestos workers	6.6 to 12.3.
	Bricklayers	16.3 to 18.2.
	Carpenters	11.0 to 12.8.
	Electricians	10.9 to 12.2.
	Glaziers	10.2 to 12.2.
	Ironworkers	14.0 to 16.0.
	Metal Lathers	10.0 to 12.0.
	Painters	10.3 to 12.0.
	Plumbers	9.4 to 10.9
	Pipefitters	9.4 to 10.9.
	Plasters	24.4 to 25.8.
	Roofers	18.0 to 20.0.
	Sheetmetal	9.5 to 11.3.
	Sprinkler fitters	8.3 to 9.9.
	Operating engineers.	24.0 to 27.7.
	Elevator installers.	9.6 to 11.5.

BIRMINGHAM, ALA. AREA

Area covered—Jefferson, Shelby, and Walker Counties, Ala.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	20 to 24.

CHARLOTTE, N.C. AREA

Area covered—Mecklenburg and Union Counties, N.C.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	24 to 30.

JACKSONVILLE, FLA. AREA

Area covered—Drival County, Fla.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	20 to 23.

LOUISVILLE, KY. AREA

Area covered—Adair, Barren, Bullitt, Carrol, Edmundson, Grayson, Green, Hardin, Hart, Henry, Jefferson, Larue, Meade, Nelson, Oldham, Shelby, Spencer, Taylor, Trimble, Warren, Washington Counties, Kentucky; and Clark, Floyd, and Harrison Counties, Ind.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	12.0 to 16.0.

MIAMI, FLA., AREA

Area covered—Dade County, Fla.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	20.0 to 40.0.

NASHVILLE, TENN., AREA

Area covered—City of Nashville, Tenn.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	16.0 to 20.0.

REGION V

AKRON, OHIO, AREA

Area covered—Summit, Portage and Medina Counties, Ohio.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	10.0 to 12.5.

CANTON, OHIO, AREA

Area covered—Carroll, Holmes, Stark, Tuscarawas, and Wayne Counties, Ohio.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	7.0 to 8.4.

CHICAGO, ILL., AREA

Area covered—Cook, DuPage, Kane, Lake, McHenry, and Will Counties.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Asbestos workers	08.6 to 10.3
	Bricklayers	16.3 to 8.2
	Carpenters	11.0 to 12.8.
	Electricians	10.9 to 12.2.
	Elevator installers.	09.6 to 11.5.
	Glaziers	10.2 to 12.2.
	Ironworkers	14.0 to 16.0.
	Metal lathers	10.0 to 12.0.
	Painters	10.3 to 12.1.
	Plumbers	09.4 to 10.9.
	Pipe fitters	09.4 to 10.8.
	Plasterers	24.4 to 25.0.
	Roofers	18.0 to 20.0.
	Sheetmetal workers.	09.5 to 11.3.
	Sprinkler fitters	08.3 to 09.9.
	Operating engineers.	15.7 and above.

CINCINNATI, OHIO, AREA

Area covered.—Ohio counties of Clermont, Hamilton, and Warren and in the Kentucky counties of Boone, Campbell, and Kenton, and in the Indiana county of Dearborn.

GOALS AND TIMETABLES

Timetable	Trade	Goals (percent)
Until further notice.	Asbestos workers	09.3 to 12.2.
	Boilermakers	08.0 to 08.4.
	Carpenters	09.0 to 10.7.
	Elevator constructors.	10.2 to 12.7.
	Engineers (stationary).	26.9 to 28.4.
	Floorlayers	09.0 to 10.5.
	Glaziers	09.1 to 11.1.
	Lathers	09.3 to 10.6.
	Marble, tile and terrazzo workers and helpers.	08.3 to 09.9.
	Millwrights	09.1 to 10.3.
	Painters	11.9 to 13.5.
	Pipefitters	10.0 to 12.0.
	Plasterers	08.7 to 09.6.
	Plumbers	10.0 to 12.7.
	Sheetmetal workers.	10.1 to 11.3.
	All other	11.0 to 11.8.

CLEVELAND, OHIO, AREA

Area covered.—Ashland, Ashtabula, Crawford, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Sandusky, and Seneca Counties, Ohio.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Art glass workers	25.4 to 28.6.
	Asbestos workers	20.9 to 23.9.
	Boilermakers	16.3 to 18.9.
	Bricklayers	28.8 to 29.5.
	Carpenters	08.0 to 08.6.
	Cement masons	41.1 to 42.2.
	Electricians	15.1 to 18.1.
	Elevator constructors.	28.9 to 32.5.
	Glaziers	35.8 to 40.0.
	Ironworkers	11.4 to 13.2.
	Painters	17.7 to 18.4.
	Pipefitters	15.7 to 17.9.
	Plasterers	21.6 to 23.2.
	Plumbers	20.8 to 23.4.
	Roofers	28.9 to 31.8.

GOALS AND TIMETABLES—Continued

Timetable	Trade	Goal (percent)
	All other	17.0 to 18.3.

DAYTON, OHIO, AREA

Area covered.—Greene, Miami, Montgomery, and Preble Counties, Ohio.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	10.6 to 11.8.

DETROIT, MICH., AREA

Area covered.—Wayne, Oakland, and Macomb Counties, Mich.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Electricians	17.0 to 19.0.
	Operating engineers.	16.9 to 18.0.
	Lathers	18.6 to 19.6.
	Painters	15.0 to 17.7.
	Riggers	16.8 to 17.7.
	Roofers	15.3 to 16.6.
	Tile, terrazzo marble workers.	15.0 to 17.8.
	Tile and marble helpers.	16.0 to 18.5.
	Terrazzo helpers	17.8 to 19.5
	All other	18.5 to 20.4.

EVANSVILLE, IND., AREA

Area covered.—Vanderburgh County, Ind.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	6.3 to 7.6.

FORT WAYNE, IND., AREA

Area covered.—Adams, Allen, DeKalb, Huntington, LaGrange, Noble, Steuben, Wells, and Whitley Counties, Ind.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Plumbers	05.2 to 05.5.
	Steamfitters	05.2 to 05.5.
	Carpenters	05.7 to 05.2.
	Bricklayers	09.3 to 10.4.
	Electricians	05.2 to 05.9.
	Sheetmetal	04.4 to 05.2.
	Ironworkers	07.3 to 08.4.
	Operating engineers.	05.2 to 06.0.
	Painters	11.0 to 12.0.
	All other	07.1 to 08.0.

INDIANAPOLIS, IND., AREA

Area covered. Marion County, Ind.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Asbestos workers	32.2 to 37.7.
	Bricklayers	17.4 to 19.5.
	Electricians	06.6 to 07.8.
	Elevator constructors.	15.5 to 18.0.
	Glaziers	25.2 to 28.6.
	Ironworkers	11.6 to 14.0.
	Lathers	21.1 to 22.0.
	Operating engineers.	07.7 to 08.8.
	Painters	22.4 to 25.0.
	Plasterers	27.5 to 30.4.
	Plumbers	25.5 to 30.0.
	Roofers	15.9 to 18.1.
	Sheetmetal workers.	09.3 to 10.9.
	Steamfitters	14.9 to 17.1.
	All other	14.1 to 16.2.

PEORIA, ILL., AREA

Area covered.—Peoria, Fulton, Tazewell, Woodford, Knox, Stark, Marshall, Hancock, Mason, McLean, McDonough, Henderson, Warren, Livingston, Bureau, Henry, and Putnam Counties, Ill.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	5.0 to 8.0.

ROCKFORD, ILL., AREA

Area covered.—Boone, Winnebago, Stephenson, De Kalb, Ogle, Lee, and Jo Daviess Counties; Cherry Grove, Shannon, Rock Creek, Lima, Wysox, and Elkhorn Townships in Carroll County; Genesee, Jordan, Hopkins, Sterling, Hume, Montmorency, Tampico, and Hahnaman Townships in Whiteside County, Ill.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	10.0 to 12.0.

SOUTH BEND, IND., AREA

Area Covered.—St. Joseph, County, Ind.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	8.0 to 10.0.

TOLEDO, OHIO, AREA

Area covered.—Defiance, Fulton, Hancock, Henry, Lusas, Ottawa, Williams, and Wood Couties, Ohio.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	10.7 to 12.3.

YOUNGSTOWN, OHIO, AREA

Area Covered.—Columbiana, Mahoning, and Trumbull Counties, Ohio; and Lawrence and Mercer Counties, Pa.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice	All	6.0 to 7.1

REGION VI

EL PASO, TEX., AREA

Area covered—El Paso County, Tex.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	55.1 to 66.2.

LAWTON, OKLA., AREA

Area covered—Commanche County, Okla.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	15.8 to 16.8.

LITTLE ROCK, ARK., AREA

Area covered—Pulaski County, Ark.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice	All	25.6 to 30.6

NEW ORLEANS, LA.

Area covered—Parishes of Orleans, Jefferson, St. Bernard, St. Tammany, St. Charles, St. John, Lafourche, Plaquemines, Washington, Terrebonne, Tangipahoa,[1] Livingston,[1] and St. James.[2]

[1]Area covered is east of the Illinois Central RR.

[2]Area covered is southeast of the line from a point off the Livingston and Tangipahoa Parish line adjacent from New Orleans and Baton Rouge.

[3]Area covered is southeast of a line drawn from the town of Gramercy to the point of intersection of St. James, Lafourche, and Assumption Parishes.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	20 to 23.

TULSA, OKLA.

Area covered—Tulsa, Creek, Mayes, Rogers, Okfuskee, Washington, Nowata, Craig, Ottawa, Delaware, Okmulgee (northern half), dividing line Highway 16; Osage (eastern half), dividing line Highway 18; Pawnee (eastern half), and Payne (eastern half) Counties, Okla.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Bricklayers	24.0 to 25.0.
	Carpenters	17.0 to 18.0.
	Cement masons	21.5 to 22.5.
	Floor covers	12.0 to 14.0.
	Glaziers, glass workers.	14.7 to 17.7.
	Operating engineers.	22.0 to 24.0.
	Painters	18.0 to 20.0.
	Pipefitters	10.0 to 12.0.
	Plumbers	11.6 to 13.2.
	Roofers	12.0 to 14.0
	Sheetmetal workers.	08.0 to 10.0.
	All other trades	12.0 to 14.4.

REGION VII

KANSAS CITY (KANS.) AND (MO.)

Area covered—Clay, Platte, Jackson, Bates, Carroll, Lafayette, Ray, Johnson, Henry, and Cass Counties, Mo., and Wyandotte, Johnson, and Miami Counties, Kans.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Asbestos workers	10.3 to 11.7.
	Boilermakers	05.9 to 06.4.
	Bricklayers	19.4 to 20.7.
	Carpenters	05.9 to 06.9.
	Carpet, linoleum and resilient floor decorators.	05.5 to 06.4.
	Cement masons	25.5 to 26.5.
	Elevator constructors.	09.2 to 10.7.
	Electricians	08.0 to 09.4.
	Glaziers	09.8 to 10.5.
	Latners	14.5 to 15.6.
	Marble masons, tile layers and terrazzo workers	07.5 to 09.0.
	Marble and tile helpers.	04.8 to 05.6.
	Operating engineers.	09.0 to 10.9.
	Painters	14.3 to 15.0.
	Pipefitters	06.9 to 07.7.
	Plasterers	19.0 to 20.4.
	Plumbers	08.3 to 09.3.
	Roofers	14.0 to 15.0.
	Sheetmetal workers.	07.0 to 08.0.
	Teamsters	25.0 to 26.0.
	All other trades	11.4 to 12.5.

OMAHA, NEBR.

Area covered—Sharpy and Douglas Counties, Nebr., Council Bluffs, Iowa (city limits only).

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	9.0 to 10.0

ST. LOUIS, MO.

Area covered.—City of St. Louis, Mo., and St. Louis County, Mo.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice	Asbestos workers	05.2 to 05.7.
	Boilermakers	34.0 to 37.7.
	Bricklayers	12.6 to 14.2.
	Carpenters	08.2 to 08.9.
	Cement and concrete finishers.	13.3 to 16.6.
	Electricians	13.6 to 16.1.
	Elevator constructors.	08.7 to 09.3.
	Glaziers	23.7 to 34.5.
	Ironworkers	09.0 to 10.4.
	Lathers and plasterers.	24.2 to 29.7.
	Operating engineers.	13.2 to 15.7.
	Painters and paperhangers.	25.1 to 29.3.
	Plumbers and pipefitters.	13.2 to 15.4.
	Roofers and slaters.	17.1 to 19.6.
	Sheetmetal workers.	22.5 to 27.0.
	Tilesetters and terrazzo workers.	08.8 to 10.4.

TOPEKA, KANS.

Area covered.—Shawnee County, Kans.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	08.8 to 10.5.

REGION VIII

COLORADO

Area covered—State of Colorado.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	13 to 14.

REGION IX

ALAMEDA COUNTY, CALIF., AREA

Area covered.—Alameda County, Calif.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	28.5 to 33.0.

ARIZONA

Area covered—State of Arizona.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	25.0-30.0

CONTRA COSTA COUNTY, CALIF.

Area covered: Contra Costa County, Calif.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	17.0 to 10.5.

FRESNO COUNTY, CALIF.

Area covered.—Fresno, Madera, Kings and Tulare Counties, Calif.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	20.0 to 27.0.

LAS VEGAS, NEV.

Area covered.—Area of jurisdiction of the Building & Construction Trades Council of Clark, Lincoln, Nye and Esmeralda Counties, Nev.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Asbestos workers	17.7 to 20.2.
	Bricklayers	18.8 to 21.3.
	Carpenters	16.2 to 17.5.
	Glaziers, floorcoverers, painters, tapers and wallcoverers.	16.3 to 17.7.
	Plasterers	24.6 to 27.2.
	Plumbers and pipefitters.	15.2 to 16.2.
	Sheet metal workers.	16.2 to 17.7.
	Wood, wire and metal lathers.	18.1 to 19.3.
	All other trades	18.0 to 19.5.

LOS ANGELES COUNTY, CALIF.

Area covered.—Area of jurisdiction of the Los Angeles Building & Construction Trades Council.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	21.7 to 25.1

MONTEREY, CALIF.

Area covered.—Monterey County, Calif., and within the jurisdiction of the Monterey County Building & Construction Trades Council, AFL-CIO.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	27.0 to 29.5.

NORTH BAY, CALIF.

Area covered—Solano, Napa, Lake, Marin, Mendocino, and Sonoma Counties.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	10.5 to 12.6.

SACRAMENTO, CALIF.

Area covered—Sacramento, Yolo, Amador, Placer, El Dorado, Nevada, and Sierra Counties, Calif.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	17.5 to 20.0.

SAN DIEGO COUNTY, CALIF.

Area covered—San Diego County, Calif.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	24.0 to 30.0.

SAN FRANCISCO CITY AND COUNTY, CALIF.

Area covered—City and County of San Francisco, Calif.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Electricians	17.0.
	Plumbers, pipefitters and steamfitters.	14.0.
	Structural metal workers.	20.0.
	Sheet metal workers.	19.0

GOALS AND TIMETABLES—Continued

Timetable	Trade	Goal (percent)
	Asbestos Workers	40.0.

SAN MATEO COUNTY, CALIF.

Area covered—San Mateo County, Calif.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	12.0 to 14.0.

SANTA CLARA COUNTY, CALIF.

Area covered—Santa Clara County, Calif.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	18.0 to 21.7.

SANTA CRUZ COUNTY, CALIF.

Area Covered—Santa Cruz County, Calif.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	17.0 to 20.4.

REGION X

ALASKA

Area covered—State of Alaska.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Asbestos workers	26.4 to 28.0.
	Carpenters	25.7 to 28.0.
	Electricians	25.7 to 28.0.
	Ironworkers	25.7 to 28.0.
	Operating engineers.	26.1 to 28.0.
	Painters	25.8 to 28.0.
	Pile drivers	25.1 to 28.0.
	Plumbers and steamfitters.	25.4 to 28.0.
	Roofers	27.6 to 28.0.
	Sheetmetal workers.	25.6 to 28.0.
	Teamsters	25.6 to 28.0.
	All other	26.1 to 28.1.

PASCO, WASH.

Area covered—The area of jurisdiction of the Southeastern Washington Building & Construction Trades Council as follows: all of Benton, Franklin, and Walla Walla Counties, Grant County to Highway 2 and the southwest corner of Adams County, Wash.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	Boilermakers	12.5 to 15.0.
	Bricklayers	11.0 to 13.5.
	Carpenters	09.8 to 12.3.
	Cement finishers	11.5 to 14.0.
	Electricians	10.0 to 12.5.
	Ironworkers	10.0 to 12.5.
	Operating engineers.	10.2 to 12.7.
	Painters	10.0 to 12.5.
	Plumbers and fitters.	09.9 to 12.4.
	Sheetmetal workers.	10.8 to 13.3.
	Laborers	09.5 to 12.0.
	All other	10.0 to 12.5.

PORTLAND, OREG.

Area covered—Multnomah, Clackamas, and Washington Counties, Oreg.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice	All	5.5 to 6.5.

SEATTLE, WASH.

Area covered—King County, Wash.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	8.8 to 11.5.

SPOKANE, WASH.

Area covered—Washington Counties Spokane, Whitman, Lincoln, Adams, Stevens, Pend Oreille, Columbia, Garfield, Asotin, Ferry, Okanogan, Chelan, Douglas and Grant (north of Highway 2), and in connection with Indian employment, parts of any other counties included in reservations incorporating portions of the above area; Idaho: Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis, and Idaho, and in connection with Indian employment, any other territory included in reservations, part of which are in the above counties.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	2.0 and above.

TACOMA, WASH.

Area covered—Pierce, Thurston, Mason, Lewis, Grays Harbor, and Pacific Counties, Wash.

GOALS AND TIMETABLES

Timetable	Trade	Goal (percent)
Until further notice.	All	12.2 to 15.0.

[FR Doc. 78-9084 Filed 4-6-78; 8:45 am]

federal register

Friday
April 11, 1980

Part IV

Equal Employment Opportunity Commission

Sex Discrimination Harassment; Adoption of Interim Guidelines

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1604

Discrimination Because of Sex Under Title VII of the Civil Rights Act of 1964, as Amended; Adoption of Interim Interpretive Guidelines

AGENCY: Equal Employment Opportunity Commission.

ACTION: Interim amendment to guidelines on discrimination because of sex.

SUMMARY: The Equal Employment Opportunity Commission is amending its Guidelines on Discrimination Because of Sex on an interim basis, in order to clarify its position on the issue of sexual harassment and to invite the public to comment on the issue. This amendment will re-affirm that sexual harassment is an unlawful employment practice. These Interim Guidelines are in full effect from the date of their publication; however, EEOC will receive comments for 60 days subsequent to the date of publication. After the comment period EEOC will evaluate the comments, make whatever changes to the Interim Guidelines may seem appropriate in light of the comments, and publish the final Guidelines.

DATES: Effective date: April 11, 1980. Comments must be received on or before June 10, 1980.

ADDRESSES: Written comments may be addressed to: Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street, NW., Room 4096, Washington, D.C. 20506.

All envelopes should be marked Sexual Harassment on the lower left corner.

All public comments may be reviewed from 9:30 a.m. to 4:30 p.m., Monday through Friday, at: Library (Room 2303), EEOC, 2401 E Street, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Frederick D. Dorsey, Director, Office of Policy Implementation, Room 4002, 2401 E Street, NW., Washington, DC 20506, (202) 634-7060.

SUPPLEMENTARY INFORMATION: Sexual harassment like harassment on the basis of color, race, religion, or national origin, has long been recognized by EEOC as a violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended. However, despite the position taken by the Commission, sexual harassment continues to be especially widespread. Because of the continued prevalence of this unlawful practice, the Commission has determined that there is a need for guidelines in this area of Title VII law. Therefore, on an interim basis EEOC is amending its Guidelines on Discrimination because of Sex (37 FR 6836, April 5, 1972, as amended) to add § 1604.11, Sexual Harassment.

Interim § 1604.11(a) provides that harassment on the basis of sex is a violation of Title VII and states that such unwelcomed behavior may be either physical or verbal in nature. The interim section also sets out three criteria for determining whether an action constitutes unlawful behavior. These criteria are (1) submission to the conduct is either an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for employment decisions affecting the person who did the submitting or rejecting; or (3) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. It is the Commission's position that sexual harassment, like racial harassment, generates a harmful atmosphere. Under Title VII, employees should be afforded a working environment free of discriminatory intimidation whether based on sex, race, religion, or national origin. Therefore, the employer has an affirmative duty to maintain a workplace free of sexual harassment and intimidation.

Interim § 1604.11(b) recognizes that the question of whether a particular action or incident establishes a purely personal, social relationship without a discriminatory employment effect requires a factual determination. In making such a determination, the Commission will look at the record as a whole and at the totality of the circumstances, emphasizing the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

Interim § 1604.11(c) applies general Title VII principles to the issue of sexual harassment and states that an employer is responsible for the acts of its supervisory employees or agents, regardless of whether the acts were authorized or forbidden by the employer and regardless of whether the employer knew or should have known of the acts. This paragraph (c) of § 1604.11 further states that the Commission will determine whether an individual acts in either an agency or a supervisory capacity on a case by case basis, examining the circumstances of the particular employment relationship and the job functions performed by the individual, rather than accepting an individual's title as being controlling.

Interim § 1604.11(d) distinguishes the employer's responsibility for the acts of its agents or supervisors from the responsibility it has for the acts of other persons. This paragraph (d) of 1604.11 states that liability for the acts of those persons not mentioned in paragraph (c) exists only when the employer, or its agents or supervisory employees, knows or should have known of the conduct. The paragraph further provides that the employer may rebut this apparent liability for the conduct by showing that it took immediate and appropriate corrective action.

Consistent with the policy of voluntary compliance under Title VII, § 1604.11(e) recognizes that the best way to achieve an environment free of sexual harassment is to prevent the occurrence of sexual harassment by utilizing appropriate methods to alert the employees to the problem and to stress that sexual harassment, in any form, will not be tolerated. This paragraph (e) of § 1604.11 requires an employer to take all steps necessary for the prevention of sexual harassment and gives the following as examples of steps which might be deemed necessary: Affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise the issue of sexual harassment under Title VII, and developing methods to sensitize all concerned.

This amendment to the "Guidelines on Discrimination Because of Sex" is a significant regulation under Executive Order 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978). There are no regulatory burdens or recordkeeping requirements necessary for compliance with the amendment. The Commission has determined that these proposed guidelines will not have major impact on the economy and that a regulatory analysis is not necessary.

In compliance with Executive Order 12067 (43 FR 28967, July 5, 1978), the Commission has consulted with representatives of the Office of Personnel Management, Department of Justice, Department of Labor, and Department of Health, Education, and Welfare. At the end of the 60 day comment period, the Commission will again consult with these agencies on the issues raised through the public comment process.

Signed at Washington, D.C. this 3rd day of April, 1980.

Eleanor H. Norton,

Chair, Equal Employment Opportunity Commission.

Accordingly, 29 CFR Chapter XIV, Part 1604 is amended by adding § 1604.11 to read as follows:

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

§ 1604.11 Sexual harassment.

(a) Harassment on the basis of sex is a violation of Sec. 703 of Title VII.[1] Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

(c) Applying general Title VII principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

(d) With respect to persons other than those mentioned in paragraph (c) of this section, an employer is responsible for acts of sexual harassment in the workplace where the employer, or its agents or supervisory employees, knows or should have known of the conduct. An employer may rebut apparent liability for such acts by showing that it took immediate and appppropriate corrective action.

(e) Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.

[FR Doc. 80-10948 Filed 4-8-80; 12:15 pm]

BILLING CODE 6570-06-M

[1] The principles involved here continue to apply to race, color, religion or national origin.

Circular 79-19 June 29, 1979

U.S. DEPARTMENT OF LABOR	Distribution:	SUBJECT:	CODE:
EMPLOYMENT AND TRAINING ADMINISTRATION	BAT-1		
Bureau of Apprenticeship and Training	BAT-6 BAT-9	Dual Lists, 29 CFR 30	
Washington, D.C. 20213			
Symbols: TT:JPMITCHELL			

PURPOSE: To convey a recent SOL opinion on certain special circumstances wherein dual lists and selections therefrom are permissible.

STATEMENT OF OPINION: by Associate Solicitor James D. Henry

"As we understand it, the question of the use of dual lists arises in the following way. When a sponsor announces that apprenticeship opportunities are available, a large number of applications are received. But, according to some sponsors, even where vigorous affirmative action efforts have been made to recruit women, because of the attractiveness of the skilled trades as an occupation the number of applications from men far exceeds that from women. In addition, many sponsors say that women do not score well on written tests and other selection criteria, and as a practical matter, it is very difficult for sponsors to meet the goal for women established by 29 CFR 30.4(f). These sponsors have inquired whether it is permissible to establish separate or "dual" eligibility lists for women and men and to select apprentices from each list in a ratio which would assure that the goal for women is achieved. Another technique would be to "skip over" more highly ranked men on a unitary list to reach women for purposes of meeting the goal.

Our opinion is that these methods of meeting the goal for women are permissible in the circumstances described below. Title VII of the Civil Rights Act of 1964 makes it unlawful employment practice for an apprenticeship program to discriminate against any individual because of race, color, religion, sex or national origin in admission to an apprenticeship program. (Civil Rights Act of 1964 as amended, Section 703(d), 42 U.S.C. 2000-e2 (d).) In addition, the commitments contained in the affirmative action program of any person or organization operating an apprenticeship program shall not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, or sex. (29 CFR 30.18.)

The maintenance of "dual eligibility lists" is permissible, in our opinion, where they are used to remedy the present effects of past discrimination, or to remedy the adverse impact of unvalidated selection procedures. Griggs v. Duke Power and Electric Co., 401 U.S. 424 (1971). Barnett v. International Harvester 11, EPD ¶10,846 (W.D. Tenn. 1976). In the Barnett case, the court found that evidence of past discrimination in apprenticeship at the International Harvester plant justified the use of dual lists. In the preamble to the 1978 amendments to 29 CFR Part 30, the Department of Labor found that there has been widespread discrimination against women in the construction industry. Hiring and promotion on the basis of numerical ratios instituted to remedy the effects of past discrimination have consistently been sanctioned by the courts. (Castro v. Beecher, 459 F.2d 725 (1st Cir. 1972). Morrow v. Crisler, 491 F.2d 1053 (5th Cir. 1974).

In addition, separate hiring, promotion or referral pools are permissible where unvalidated tests which have an adverse impact on protected groups are being used. Thus, for example, the United States Employment Service has instituted a policy, in TESPL 2764, requiring that where an employment agency is using tests which have not been validated, applicants must be referred in the same ratio as their membership in the pool of applicants at each local office. This procedure protects against any adverse impact of the unvalidated tests.

Finally, the use of dual lists would be permissible where a sponsor is taking action pursuant to the Equal Employment Opportunity Commissions's Guidlines on affirmative action (29 CFR Par 1608). The Guidelines provide that an employer may take action which recognizes the race, sex or national origin of applicants or employees where a reasonable self analysis shows that employment practices are having an adverse impact on a particular group's employment opportunities, leave uncorrected the effects of prior discrimination, or result in disparate treatment (29 CFR 1608.4).

ACTION

The opinion given above covers specific and special circumstances in addition to those instances wherein separate lists and/or non-sequential selections are prescribed by a Court of Law, by consent agreement, or by an administrative authority having the force of law. The operative phrases for the specific and special circumstances upon which the SOL opinion rests should be carefully noted.

Sample A

EMPLOYABILITY DEVELOPMENT PLAN

Name _____ Social Security # _____

Address _____ Date of Initial Assessment _____

_____

Phone # _____ Person Completing This Form _____

Brief Description of Employability Development Plan:

A. PARTICIPANT INFORMATION

1. Previous Experience -- Work, education and personal. Include dates and reasons for leaving if known. List most recent first.	2. Qualifications and Skills -- Diplomas, certificates, interpersonal skills, job skills.

3.

Interests	Goals
	a. Immediate
	b. Long-term

4.

Life Circumstances -- Only specific items which may affect the person's participation in the program or her/his occupation choices.

5.

Participant Is Job-Ready for These Occupations:

B. PARTICIPANT'S BARRIERS TO EMPLOYMENT

1. Description of the Barrier: _____

_____

_____

Steps to be Taken	By Whom	Begin-ning Date	Projected Completion Date	Results

2. Description of the Barrier: _____

_____

_____

Steps to be Taken	By Whom	Begin-ning Date	Projected Completion Date	Results

3. Description of the Barrier: _____

_____

_____

Steps to be Taken	By Whom	Begin-ning Date	Projected Completion Date	Results

C.

JOB ALTERNATIVES
1. 2. 3. 4. 5.

D.

JOB CHOICES
1. 2.

I understand this employability plan and I am in agreement with it.

Participant's Signature and Date

Counselor's Signature and Date

E.

PERIODIC REVIEW OF EDP			Participant Initials
Date	Reviewed By	Summary of EDP Changes	

Sample B (CETA)

EMPLOYABILITY DEVELOPMENT PLAN

NAME _____ JOB TITLE _____

ADDRESS _____ WORK SITE _____

_____ ADDRESS _____

PHONE ( ) _____ _____

TITLE IIB, IID, IV, VI, VII PHONE ( ) _____

CITY OR COUNTY SUPERVISOR _____

TERMINATION DATE _____
MONTH/YEAR

A. CAREER/JOB GOALS

1. By end of CETA:
   - A. Primary goal _____
     _____
   - B. Back-up goal _____
     _____
2. In 3 - 5 years:
   - A. Primary goal _____
     _____
   - B. Back-up goal _____
     _____

B. CETA JOB/CAREER GOAL LINKAGE

Skills/knowledge that can be learned/enhanced on CETA Job:

C. PARTICIPANT CURRENT STATUS

1. Experience

Paid Work

Duration | Job Title

Volunteer Work

Duration | Type

Education

2. Qualifications and Skills

Licenses, degrees, certificates, job skills, personal skills, awards.

3. Interests

Hobbies, leisure time activities

4. Personal Capabilities

D. STRATEGY

MAJOR ACTIONS TO REACH GOAL

ACTIONS	START DATE	FINISH DATE	RESULTS
1.			
2.			
3.			
4.			
5.			
6.			

I have developed this plan and I am committed to carrying it out.

_____
Participant signature and date

I have verified the feasibility of this plan.

_____
Training staff signature and date

E. PERIODIC REVIEW OF EMPLOYABILITY DEVELOPMENT PLAN

Date	Reviewed by	Summary of Employability Development Plan Changes	Participant Initial

F. OUTCOME

Transitioned ☐ ☐ Date _____

Agency/Company _____

Job Title _____

Address _____

Phone _____ Contact Person _____

Reason for not transitioning _____

_____

_____

RESOURCES LIST

WOMEN'S BUREAU, U.S. DEPARTMENT OF LABOR

450 Golden Gate Ave., San Francisco, CA 94102	(415) 556-2377

(Special Note: Information about slide shows, movies, posters and printed material related to women and nontraditional work is available through this agency. Call or write for lists of publications and other Outreach and Orientation materials.)

BUREAU OF APPRENTICESHIP AND TRAINING, U.S. DEPARTMENT OF LABOR

*211 Main St., Room 344, San Francisco, CA 94105	(415) 556-3201
1111 Jackson St., Room 4024, Oakland, CA 94604	(415) 273-6188
300 N. Los Angeles St., Room 3235, Los Angeles, CA 90012	(213) 688-4990
880 Front St., San Diego, CA 92188	(714) 293-5260
805 "I" St., Room 415, Sacramento, CA 95809	(916) 440-3430

DIVISION OF APPRENTICESHIP STANDARDS, CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS

*525 Golden Gate Ave., 5th Floor, San Francisco, CA 94102	(415) 557-2950
Mailing address: P.O. Box 603, San Francisco, CA 94101	
619 Second St., Room 109, Eureka, CA 95501	(707) 442-5748
725 Farmers Lane, Bldg. B, Santa Rosa, CA 95405	(707) 527-9200
525 Golden Gate Ave., Room 103, San Francisco, CA 94102	(415) 557-0261
Mailing address: P.O. Box 603, San Francisco, CA 94101	
1290 Howard St., Room 325, Burlingame, CA 94010	(415) 342-7478
1111 Jackson St., Room 4024, Oakland, CA 94607	(415) 464-1080
888 N. First St., Room 302, San Jose, CA 95112	(408) 277-1273
884 Abrego, Monterey, CA 93940	(408) 649-2951
2115 Akard Ave., Room 17, Redding, CA 96001	(916) 246-6505
2422 Arden Way, Suite 60, Sacramento, CA 95825	(916) 920-6111
31 E. Channel, Room 310, Stockton, CA 95202	(209) 948-7775
Modesto Junior College, Room 205-E, Modesto, CA 95350	(209) 529-3469
2550 Mariposa St., Room 4083, Fresno, CA 93721	(209) 445-5431
28 Civic Center Plaza, Room 525, Santa Ana, CA 92701	(714) 558-4126
303 W. Third St., Room 206, San Bernardino, CA 92401	(714) 383-4261
1350 Front St., Room 3024, San Diego, CA 92101	(714) 237-7314
225 Chester Ave., Room 217, Bakersfield, CA 93301	(805) 395-2717
411 E. Canon Perdido, Room 5, Santa Barbara, CA 93101	(805) 965-4460
5810 Ralston St., Suite C, Ventura, CA 93003	(805) 654-4569
107 S. Broadway, Room 5034, Los Angeles, CA 90012	(213) 620-2310
4310 Long Beach Blvd., 1st Floor, Long Beach, CA 90807	(213) 422-8025

APPRENTICESHIP INFORMATION CENTERS, EMPLOYMENT DEVELOPMENT DEPARTMENT

1111 Jackson St., Room 1008, Oakland, CA 94607	(415) 464-0568
161 W. Venice Blvd., Los Angeles, CA 90015	(213) 744-2604

THE FOLLOWING ORGANIZATIONS HAVE WOMEN'S COMPONENTS AND FIELD OFFICES. CALL THE HEADQUARTERS OFFICES LISTED TO FIND THE OFFICE NEAREST YOU.

VALLEY AREA CONSTRUCTION OPPORTUNITIES PROGRAM (VACOP)
*4320 Stockton Blvd., Suite 3, Sacramento, CA 95820 (916) 452-6463

APPRENTICESHIP OPPORTUNITIES FOUNDATION AND RECRUITMENT AND TRAINING PROGRAM (AOF & RTP)
*400 Alabama St., Room 144, San Francisco, CA 94110 (415) 621-9712

BAY AREA CONSTRUCTION OPPORTUNITIES PROGRAM (BACOP)
*2315 Valdez St., Room 305, Oakland, CA 94612 (415) 451-6628
(Alameda) 2315 Valdez St., Room 303, Oakland, CA 94612 (415) 451-4980
(Contra Costa) 645 Railroad Ave., Pittsburg, CA 94565 (415) 439-8123
(North Bay) 916 Marin St., Vallejo, CA 94590 (707) 643-2144
(South Bay) 491 S. Almaden, Room 37, San Jose, CA 95110 (408) 293-5913

MEXICAN AMERICAN OPPORTUNITY FOUNDATION (MAOF)
*670 Monterey Pass Rd., Monterey Park, CA 91754 (213) 289-2000

SOUTHERN CALIFORNIA AREA CONSTRUCTION OPPORTUNITIES PROGRAM AND RECRUITMENT AND TRAINING PROGRAM (SCACOP & RTP)
*12311 Chapman Ave., Suite 210, Garden Grove, CA 92640 (714) 750-7238
433 Brookes Ave., San Diego, CA 92103 (714) 296-6363
22750 Cooley Drive, Suite F, Colton, CA 92324 (714) 824-7566

URBAN LEAGUE - LABOR EDUCATION ADVANCEMENT PROGRAM (LEAP)
*3450 Mount Vernon Dr., Los Angeles, CA 90008 (213) 299-9660

THE FOLLOWING PROGRAMS ARE THOSE THAT HAVE WOMEN AS THEIR SPECIAL FOCUS.

WOMEN IN APPRENTICESHIP PROGRAMS
25 Taylor St., Room 617, San Francisco, CA 94102 (415) 673-3925

NORTHERN CALIFORNIA WOMEN IN APPRENTICESHIP
2115 "J" St., Suite 15, Sacramento, CA 95816 (916) 448-2921

WORKING WOMEN
301 Seventh St., Santa Rosa, CA 95410 (707) 523-3617
Mailing address: P.O. Box 7038, Santa Rosa, CA 95410

WOMEN'S RESOURCES FOR WORK
517 Third St., Suite 40, Eureka, CA 95501 (707) 442-3773

CENTRAL VALLEY OPPORTUNITY CENTER

*1743 N. Ashby Rd., Merced, CA 95340	(209) 723-7771
110 S. "I" St., Madera, CA 93637	(209) 674-0971
1410 W. Fifteenth St., Merced, CA 95340	(209) 383-2415
631½ Paradise Rd., Modesto, CA 95351	(209) 577-3210

CONTINUING EDUCATION FOR WOMEN -
WORK OPPORTUNITIES FOR WOMEN (CETA-eligible only)

Merced College, 3600 "M" St., Merced, CA 95340	(209) 384-6230

WORKING OPPORTUNITIES FOR WOMEN

1065 N. Fulton St., Fresno, CA 93728	(209) 233-7181

WOMEN'S CAREER DEVELOPMENT CENTER

YWCA, 735 East Lexington Ave., Glendale, CA 91206	(213) 246-2474

CAREER PLANNING CENTER

1631 S. La Cienega Blvd., Los Angeles, CA 90035	(213) 273-6633
357 E. Queen St., Inglewood, CA 90301	(213) 674-3490
6022 W. Pico Blvd., Crescent Heights, CA	(213) 938-5321
685 Venice Blvd., Venice, CA 90291	(213) 823-6567
2260 W. Washington Blvd., Los Angeles, CA 90018	(213) 735-1325
7010 Reseda Blvd., Reseda, CA 91335	(213) 881-4388

WOMEN'S JOB TRAINING PROGRAM

14608 Victory Blvd., Van Nuys, CA 91411	(213) 785-6569
2235 Beverly Blvd., Los Angeles, CA 90057	(213) 381-7261

* INDICATES HEADQUARTERS OFFICES

RECOMMENDED ADDITIONAL RESOURCE MATERIAL

APPRENTICESHIP HANDBOOK FOR EDUCATORS
Publications Sales
P.O. Box 271
Sacramento, CA 95802

APPRENTICESHIP INFORMATION GUIDE
Division of Apprenticeship Standards
525 Golden Gate Ave.
P.O. Box 603
San Francisco, CA 94101

APPRENTICESHIP AND OTHER BLUE-COLLAR JOB OPPORTUNITIES FOR WOMEN
Women's Educational Equity Communications Network
Far West Laboratory for Educational Research and Development
1855 Folsom St.
San Francisco, CA 94103

Other Publications Available from the Department of Education

Apprenticeship and the Blue Collar System is one of approximately 500 publications that are available from the California State Department of Education. Some of the more recent publications or those of particular interest to readers of this publication are the following:

The Apprentice Carpenter and the Trade (1981)	$2.25
Apprenticeship Handbook for Educators (1974)	3.50
Bilingual Program, Policy, and Assessment Issues (1980)	3.25
California Private School Directory	5.00
California Public School Directory	12.50
California Public Schools Selected Statistics	1.50
California School Accounting Manual (1981)	2.50
California's Demonstration Programs in Reading and Mathematics (1980)	2.00
Choices and Challenges: Student Guidebook About Nontraditional Careers (1979)	2.75
Education of Gifted and Talented Pupils (1979)	2.50
Foreign Language Framework for California Public Schools (1980)	2.50
Guide to California Private Postsecondary Career Education (1980)	5.00
Guide to School and Community Action (1981)	1.75
Guidelines for Developing Comprehensive Guidance Programs in California Schools (1981)	2.00
Guidelines for School-Based Alcohol and Drug Abuse Programs (1981)	1.00
Handbook for Planning an Effective Reading Program (1979)	1.50
History—Social Science Framework for California Public Schools (1981)	2.25
Improving the Human Environment of Schools (1979)	2.50
Instructional Materials Approved for Legal Compliance (1981)	3.50
Interim Guidelines for Evaluation of Instructional Materials with Respect to Social Content (1981)	1.50
Introduction to Apprenticeship (1973)	
Workbook	3.50
Testbook	2.50
Introduction to Teaching Apprentices (1975)	1.75
Manual of First Aid Practices for School Bus Drivers (1980)	1.25
Monograph on Staff Development (1980)	1.50
New Era in Special Education: California's Master Plan in Action (1980)	2.00
Pedestrian Rules of the Road in California—Primary Edition (1980)	1.50
Physical Performance Test for California, Revised Edition (1981)	1.50
Proficiency Assessment in California: A Status Report (1980)	2.00
Proficiency Skill Development Kit (1980)	7.50
Reading Framework for California Public Schools (1980)	1.75
Relationship Between Nutrition and Student Achievement, Behavior, and Health (1980)	4.00
Science Framework for California Public Schools (1978)	1.65
School Improvement: Making California Education Better (brochure) (1981)	NC
Student Achievement in California Schools	1.75
Student Progress Charts (set of 12)	2.65
Students' Rights and Responsibilities Handbook (1980)	1.50†
Teaching About Sexually Transmitted Diseases (1980)	1.65
Toward More Human Schools (1981)	1.75
Work Experience Education Instructional Guide (1981)	9.25

In addition, the Department publishes workbooks and testbooks for apprenticeship instruction in some 25 trades.

Orders should be directed to:

California State Department of Education
P.O. Box 271
Sacramento, CA 95802

Remittance or purchase order must accompany order. Purchase orders without checks are accepted only from government agencies in California. Sales tax should be added to all orders from California purchasers.

A complete list of publications available from the Department may be obtained by writing to the address listed above.

†Also available in Spanish, at the price indicated.

82926—300 10-81 1M LDA

80-210 03-0568 2-82 1M